

EXHIBIT 5  
NUNEZ  
TRANSCRIPT

[Page 1]  
February 27, 2024

US DISTRICT COURT FOR THE EASTERN  
DISTRICT OF NEW YORK

-----X

KEVIN CAMPBELL,

Plaintiff,

-against-

Case No.

1:22-cv-07662

FEDERAL EXPRESS CORPORATION and ERIC  
WANDERS,

Defendants.

-----X

February 27, 2024

2:03 p.m.

Zoom Video Conference

New York, New York

EXAMINATION BEFORE TRIAL of HENRY  
NUNEZ, the Non Party Witness herein,  
taken by the Respective Parties, BY  
SUBPOENA, held via Zoom Video Conference  
at the above-mentioned time, before  
Maryellyn Feiler, a Notary Public of the  
State of New York.

[Page 2]  
February 27, 2024

**A P P E A R A N C E S:**

**JESSICA S. MASSIMI ATTORNEY AT LAW**

**Attorneys for Plaintiff**

**99 Wall Street**

**New York, New York 10005**

**BY: JESSICA S. MASSIMI, ESQ.**

**FEDERAL EXPRESS CORPORATION**

**In House Counsel**

**Attorneys for Defendants**

**3620 Hacks Cross Road**

**Building B 3rd Floor**

**Memphis, Tennessee 38125**

**BY: GABRIEL PAUL MCGAHA, ESQ.**

**SHARON DANIEL, PARALEGAL**

(1)

(2)

STIPULATIONS

(3)

IT IS STIPULATED AND AGREED by and between (among) counsel for the respective parties herein, that filing and sealing be and the same are hereby waived.

(5)

(6)

IT IS FURTHER STIPULATED AND AGREED that all objections, except as to the form of the question shall be reserved to the time of the trial.

(7)

(8)

IT IS FURTHER STIPULATED AND AGREED that the within deposition may be sworn to and signed before any officer authorized to administer an oath with the same force and effect as if signed and sworn to before the Court.

(9)

(10)

(11)

(12)

IT IS FURTHER STIPULATED AND AGREED by and between Counsel for all parties present that Pursuant to CPLR Section 3113(d) this deposition is being conducted by video conference, that the court reporter, all counsel and the witness are all in separate remote locations and participating via Videoconference (LegalView/Zoom/WebEx) meeting under the control of Lexitas Court Reporting Service, that the officer administering the oath to the witness shall be sworn in remotely by the court reporter after confirming the witness's identity. That this video conference will not be recorded in any manner and that any recording without the express written consent of all parties shall be considered unauthorized, in violation of law, and shall not be used for any purpose in this litigation or otherwise.

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[Page 4]  
February 27, 2024

(1)  
(2) IT IS FURTHER STIPULATED AND  
(3) AGREED that exhibits may be marked by  
(4) the attorney presenting the exhibit to  
(5) the witness, and that a copy of any  
(6) exhibit presented to a witness shall be  
(7) E-mailed to or otherwise in possession  
(8) of all Counsel prior to any questioning  
(9) of a witness regarding the exhibit in  
(10) question. All parties shall bear their  
(11) own costs in the conduct of this  
(12) deposition by video conference, not  
(13) withstanding the obligation by CPLR to  
(14) supply a copy of the transcript to the  
(15) deposed party by the taking party in  
(16) civil litigation matters.  
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(18)  
(19)  
(20)  
(21)  
(22)  
(23)  
(24)  
(25)

(1) H. NUNEZ

(2) H E N R Y N U N E Z, the Witness

(3) herein, having been first duly

(4) sworn by a Notary Public in and of

(5) the State of New York, was examined

(6) and testified as follows:

(7) EXAMINATION BY

(8) **MS. MASSIMI:**

(9) Q. Please state your name for the record.

(10) **A. My name is Henry Nunez.**

(11) Q. Please state your address for the  
(12) record.

(13) **MS. MASSIMI: I'm willing to**  
(14) **allow Mr. McGaha to accept service for**  
(15) **the trial subpoena at his behalf**  
(16) **should this case go to trial; is that**  
(17) **okay?**

(18) **MR. MCGAHA: Sure.**

(19) **MS. MASSIMI: Great.**

(20) **A. My business address is 5895 Maurice**  
(21) **Avenue Maspeth, Queens 11378.**

(22) Q. Good afternoon, Mr. Nunez. My name is  
(23) Jessica Massimi. I'm an attorney. I  
(24) represent the plaintiff, Kevin Campbell in  
(25) the case we're here to discuss today.

(1) H. NUNEZ

(2) Have you ever been deposed before?

(3) **A. No, ma'am.**

(4) Q. Have you ever testified in court?

(5) **A. No, ma'am.**

(6) Q. To your knowledge, have you ever given  
(7) testimony under oath?

(8) **A. No, ma'am.**

(9) Q. Okay. The purpose of this deposition  
(10) is for me to ask you questions about the  
(11) incident giving rise to this lawsuit. I'm  
(12) gonna ask you a series of questions and  
(13) the court reporter will take down my  
(14) questions, your answers and anything else  
(15) that gets said on the record.

(16) Because the court reporter has to take  
(17) down everything that's being said, this is  
(18) not like a normal conversation. So you  
(19) need to let me finish my complete question  
(20) before you begin to answer. Even if you  
(21) can anticipate what my question is going  
(22) to be because the court reporter has to  
(23) take down my complete question and your  
(24) complete answer.

(25) Does that make sense?

(1) H. NUNEZ

(2) **A. Yes. It does.**

(3) Q. For the same reason, because the court  
(4) reporter has to take down everything that  
(5) gets said here today all of your answers  
(6) have to be verbal. You cannot answer  
(7) questions using nods or shakes of the head  
(8) or by saying ah ha or anything like that  
(9) or by using gestures. Because the court  
(10) reporter cannot interpret any of that for  
(11) the record.

(12) Does that make sense?

(13) **A. Yes.**

(14) Q. You also need to keep your voice up.  
(15) You seem to be speaking at an adequate  
(16) volume right now. If you continue  
(17) speaking at an adequate volume that will  
(18) move things along as quickly as possible  
(19) and it enables the court reporter to hear  
(20) everything you're saying.

(21) Does that make sense so far?

(22) **A. Yes.**

(23) Q. If you don't understand a question  
(24) that I ask, let me know and I will attempt  
(25) to rephrase the question. If you don't



(1) H. NUNEZ

(2) hear a question or part of a question that  
(3) I ask, let me know I will restate the  
(4) question or I will have the court reporter  
(5) read it back.

(6) If you realize during the deposition  
(7) that an earlier answer you gave was  
(8) inaccurate or incomplete, please let me  
(9) know. We can go on the record and correct  
(10) or address your prior response.

(11) Does that make sense?

(12) **A. Yes.**

(13) Q. If you feel like you need a break at  
(14) any time during the deposition, that is  
(15) perfectly acceptable. I just ask that you  
(16) answer any pending question before you  
(17) begin to answer -- before you take a  
(18) break, excuse me.

(19) Meaning if I've asked a question I ask  
(20) that you answer it before you step out.  
(21) Does that make sense?

(22) **A. Yes.**

(23) Q. If you need to revisit any portion of  
(24) the deposition for any reason as the  
(25) deposition is ongoing, just let me know.

(1) H. NUNEZ

(2) We can revisit it.

(3) Do you have any questions so far about  
(4) the rules I've recited here today?

(5) **A. No. I do not.**

(6) Q. Is there any reason you can not  
(7) testify truthfully, fully and accurately  
(8) here today?

(9) **A. No. There is not.**

(10) Q. Do you understand you've taken an oath  
(11) to tell the truth here today?

(12) **A. Yes.**

(13) Q. Do you understand that even though you  
(14) are in a conference room with your  
(15) attorney and we are here over Zoom, the  
(16) oath that you've taken to tell the truth  
(17) here today is the same oath you would take  
(18) as if we were in a courtroom in front of a  
(19) judge; do you understand that?

(20) **A. Yes.**

(21) Q. Do you have any physical or mental  
(22) condition that might keep you from  
(23) testifying truthfully, fully and  
(24) accurately here today?

(25) **A. No. I do not.**

(1) **H. NUNEZ**

(2) Q. Have you consumed any medication in  
(3) the last 24 hours that could impact your  
(4) ability to testify truthfully, fully and  
(5) accurately?

(6) **A. No. I did not.**

(7) Q. Have you consumed any alcohol, drugs  
(8) or marijuana in the last 24 hours?

(9) **A. No. I did not.**

(10) Q. Have you failed to take any  
(11) prescription medication that you normally  
(12) take?

(13) **A. No. I did not.**

(14) Q. Are you represented by an attorney  
(15) today?

(16) **A. Yes.**

(17) Q. What's your attorney's name?

(18) **A. Gabriel McGaha.**

(19) Q. Did you meet with Mr. McGaha in  
(20) preparation for today's deposition?

(21) **A. Yes. We did.**

(22) Q. How many times?

(23) **A. Once.**

(24) Q. When was that occasion that you met  
(25) with Mr. McGaha in preparation for today's

(1) H. NUNEZ

(2) deposition?

(3) **A. That was yesterday.**

(4) Q. How did you have that meeting? Was it  
(5) over Zoom, over the phone, in person or  
(6) something else?

(7) **A. In person.**

(8) Q. How long did that meeting last?

(9) **A. About two hours.**

(10) Q. Did you review any documents in  
(11) preparation for today's deposition?

(12) **A. Yes. We did.**

(13) Q. What documents did you review?

(14) **A. Um, some paperwork that had some of**  
(15) **Mr. Campbell's -- what you say? What is**  
(16) **that paperwork? Mr. Campbell had um, what**  
(17) **was that?**

(18) **MR. MCGAHA: It's a legal term**  
(19) **the complaint.**

(20) **THE WITNESS: Yes.**

(21) **A. The complaint that Mr. Campbell had**  
(22) **put in.**

(23) Q. Are you referring to the complaint  
(24) that he filed in court?

(25) **A. Yes, yes, sorry, yes.**

(1) **H. NUNEZ**

(2) Q. That's okay. So you reviewed  
(3) Mr. Campbell's complaint that he filed in  
(4) court in preparation for today, correct?

(5) **A. Yes.**

(6) Q. Did you review any other documents in  
(7) preparation for today's deposition?

(8) **A. No. I did not.**

(9) Q. Did you review any video recording in  
(10) preparation for today's deposition?

(11) **A. Yes.**

(12) Q. What was depicted on the video  
(13) recording that you reviewed in preparation  
(14) for today's deposition?

(15) **A. Video from Mr. Steve Blaze.**

(16) Q. How do you spell that last name?

(17) **A. B-L-I-S sorry, B-L-I-A-S-E.**

(18) Q. And who is that?

(19) **A. He's a courier that worked at Fed Ex.**

(20) Q. What does he look like?

(21) **A. Um, tall, African American. Um,**  
(22) **that's -- he's tall African American,**  
(23) **heavy set.**

(24) Q. Does he still work at Fed Ex?

(25) **A. No. He does not.**

(1) **H. NUNEZ**

(2) Q. Do you know why?

(3) **A. He was terminated.**

(4) Q. When was he terminated?

(5) **A. Sometime last year.**

(6) Q. Do you know why --

(7) **A. I don't the know specific date.**

(8) Q. Do you know why he was terminated?

(9) **A. Yes. Loss of custodial -- loss of**  
(10) **custodial control.**

(11) Q. Okay. And his name is Steve Blaise  
(12) you said?

(13) **A. Yes.**

(14) **MS. MASSIMI: Just give me one**  
(15) **second, please.**

(16) **(A recess was taken.)**

(17) Q. Did you see yourself depicted in any  
(18) of those videos that you reviewed in  
(19) preparation for today?

(20) **A. Yes. I did.**

(21) Q. What did you observe yourself doing in  
(22) those videos?

(23) **A. Me and Steve Blaise going back and**  
(24) **forth with banter and talking. And just**  
(25) **with each other.**

(1) **H. NUNEZ**

(2) Q. Did you review any other videos in  
(3) preparation for today's deposition?

(4) **A. No. I did not.**

(5) Q. Did you review any audio recording in  
(6) preparation for today's deposition?

(7) **A. No. I did not.**

(8) Q. You said you reviewed Mr. Campbell's  
(9) complaint in preparation for today's  
(10) deposition, correct?

(11) **A. Correct.**

(12) Q. Did that -- did your review of that  
(13) complaint refresh your recollection about  
(14) the incidents that we're here to discuss  
(15) today?

(16) **A. Somewhat.**

(17) Q. In what way did your review of that  
(18) complaint refresh your recollection about  
(19) the incidents that we're here to discuss  
(20) today?

(21) **A. Some of the incidents that he put down**  
(22) **I remembered and some of that were there**  
(23) **that never happened.**

(24) Q. The incidents that he put down that  
(25) you remembered, what are those incidents?

(1) H. NUNEZ

(2) MR. MCGAHA: Object to form. If  
(3) you remember you can answer.

(4) THE WITNESS: I can answer?

(5) MR. MCGAHA: If you remember you  
(6) can answer, yes.

(7) A. The one with the hours. Something  
(8) about the hours that it was being cut  
(9) back.

(10) Q. You remember that previously being  
(11) brought to your attention?

(12) A. No. I just remembered it when I saw  
(13) the paperwork.

(14) Q. What did you remember?

(15) A. That he was upset about getting his  
(16) hours cut. I think it was.

(17) Q. Do you recall Mr. Campbell prior to  
(18) this lawsuit expressing to you that he was  
(19) upset about his hours getting cut; is that  
(20) what you're saying?

(21) A. Yes.

(22) Q. Is there anything else you recalled  
(23) having reviewed Mr. Campbell's complaint?

(24) A. No.

(25) Q. You said you saw some stuff that never



(1) H. NUNEZ

(2) happened.

(3) A. Correct.

(4) Q. What are you referring to?

(5) MR. MCGAHA: Object to form. He  
(6) doesn't have the complaint.

(7) MS. MASSIMI: Mr. McGaha, I am  
(8) asking him about his review of the  
(9) complaint. He can testify from  
(10) memory. I do not have to show him the  
(11) document right now. Please stop  
(12) interrupting the deposition.

(13) The witness is going to testify.  
(14) We are going to litigate the case. We  
(15) are going to continue pushing forward.  
(16) We are going to get Mr. Nunez's  
(17) responses here today, okay.

(18) Please stop interrupting the  
(19) deposition.

(20) MR. MCGAHA: I'm not interrupting  
(21) the deposition. I'm making a  
(22) statement. You're asking him about a  
(23) document he can't see.

(24) MS. MASSIMI: He just reviewed  
(25) the complaint, Mr. McGaha. If I

(1) H. NUNEZ  
(2) choose to show him the complaint at  
(3) another time, I will. I can ask him  
(4) about his memory. His memory is part  
(5) of the assessment of this lawsuit.  
(6) His recollection, his ability to  
(7) recall things accurately, his honesty,  
(8) his truthfulness. So please stop  
(9) interrupting.

(10) This is not a controversial area  
(11) of inquiry.

(12) Could you please read back the  
(13) last question?

(14) (The requested portion of the  
(15) record was read by the court  
(16) reporter.)

(17) MS. MASSIMI: I need this to be  
(18) on the record, Mr. McGaha. I see you  
(19) talking to the witness as this  
(20) deposition is going on. I cannot hear  
(21) what you're saying. This is something  
(22) -- please let me finish. This is  
(23) something that I have raised in other  
(24) depositions. I need to be able to  
(25) hear what you're saying.

(1) H. NUNEZ

(2) MR. MCGAHA: Okay. I said if you  
(3) answer the question then answer it.  
(4) That's what I said.

(5) MS. MASSIMI: I'm having trouble  
(6) hearing you because you're not fully  
(7) -- you're in and out of the screen.  
(8) I've mentioned this to you at other  
(9) depositions.

(10) What you're saying needs to be  
(11) audible. Everything you're saying is  
(12) gonna be on the record. So you can't  
(13) have side conversations with your  
(14) client or with your witness.

(15) Additionally, telling him you can  
(16) answer if you remember or you can  
(17) answer if you recall, he's -- I'm  
(18) asking him to testify to the extent  
(19) that he recalls so you don't need to  
(20) coach him, please.

(21) MR. MCGAHA: Are you done?  
(22) 'Cause I want to say something for the  
(23) record.

(24) MS. MASSIMI: Mr. McGaha, I  
(25) cannot hear you.

(1) H. NUNEZ

(2) MR. MCGAHA: Ms. Reporter, can  
(3) you hear me?

(4) THE COURT REPORTER: Yes. But  
(5) you're a little low.

(6) MR. MCGAHA: Thank you. What I  
(7) said to him was if you can answer then  
(8) answer, that's what I said to him.

(9) MS. MASSIMI: Okay. We're gonna  
(10) proceed with the deposition now, Mr.  
(11) McGaha. Thank you so much for that  
(12) little interlude. Can you please put  
(13) the witness back on camera?

(14) You both and the witness should  
(15) both be able to appear in the camera  
(16) frame simultaneously. So it's not one  
(17) or the other. It's not when the  
(18) witness is in the camera frame,  
(19) Mr. McGaha is not in the camera frame.  
(20) When Mr. McGaha's in the camera frame  
(21) the witness is not in the camera  
(22) frame. That's not the way this works.

(23) You both should be appearing on  
(24) camera mainly so that you can be  
(25) heard.

(1) H. NUNEZ

(2) MR. MCGAHA: Let me make an offer  
(3) and I'll make the same offer as I made  
(4) last deposition. This can be  
(5) recorded. Do you want this deposition  
(6) to be recorded, video recorded  
(7) because --

(8) MS. MASSIMI: Mr. McGaha --

(9) MR. MCGAHA: Let me finish.

(10) MS. MASSIMI: Go ahead.

(11) MR. MCGAHA: Thank you. I'll let  
(12) you know when I'm done.

(13) MS. MASSIMI: Well, you're not  
(14) supposed to be speaking, Mr. McGaha.  
(15) This is not your deposition.

(16) MR. MCGAHA: Excuse me.

(17) MS. MASSIMI: And I have asked --

(18) MR. MCGAHA: Excuse me.

(19) MS. MASSIMI: I have asked you --

(20) MR. MCGAHA: Excuse me.

(21) {Speaking over each other.}

(22) MS. MASSIMI: I have asked you  
(23) multiple times stop asking to record  
(24) me. Stop asking to record me.

(25) MR. MCGAHA: We're taking a break

(1) H. NUNEZ

(2) for five minutes.

(3) MS. MASSIMI: No problem.

(4) (A recess was taken.)

(5) MR. MCGAHA: I do want to make a  
(6) statement on the record. A couple of  
(7) things.

(8) Number one, we are on a laptop  
(9) and it's not the newest laptop in the  
(10) world. The camera on -- and it's not  
(11) the largest laptop either. So the  
(12) camera is such that we have to move it  
(13) back so you can see both of us to the  
(14) extent that you can. When we do that  
(15) it makes it difficult to hear one or  
(16) both of us.

(17) Because if he is in the frame and  
(18) I'm back here, I'm not as close to the  
(19) laptop. That is why it's difficult to  
(20) both see us and hear us at the same  
(21) time. That's number one.

(22) Number two, I am making another  
(23) request or offer from the defendant's  
(24) to the plaintiff to record this  
(25) deposition, this Zoom meeting. She

(1) H. NUNEZ

(2) doesn't want to do that, she being Ms.  
(3) Massimi because she knows how she  
(4) conducts herself in depositions, it's  
(5) embarrassing and it should be  
(6) embarrassing to her.

(7) And we are making an offer to  
(8) record this Zoom meeting in the event  
(9) there's an ever issue about how one or  
(10) both of us conducts ourselves, we can  
(11) show the Judge. I have no problem  
(12) with that. The plaintiff can choose  
(13) to do that or not do that that's fine  
(14) with me. I don't care.

(15) But in any event, we are offering  
(16) to record this Zoom deposition so that  
(17) -- and not just record the witness,  
(18) but also record the attorneys and how  
(19) they conduct themselves and purport  
(20) themselves in depositions, I will be  
(21) glad to do that. And if we want to  
(22) take a break and figure out how to do  
(23) that, that's fine with me. We don't  
(24) mind paying the fee. But I am not  
(25) gonna be berated, spoken to like a

(1) H. NUNEZ

(2) child and disrespected by Ms. Massimi  
(3) any more. Thank you.

(4) MS. MASSIMI: Mr. McGaha, you are  
(5) very intent on attempting to create a  
(6) distraction based on your false  
(7) narrative that I am somehow doing  
(8) something to you and it's not going to  
(9) work, sir. I have done nothing to  
(10) you.

(11) As I said to you before, we are  
(12) going to continue pushing forward with  
(13) this litigation. We are going to get  
(14) the information we need from  
(15) Mr. Nunez. As far as your assertion  
(16) that you cannot be heard or seen at  
(17) the same time on the laptop, I have  
(18) raised this issue with you before in  
(19) prior depositions. And I have raised  
(20) it with you privately via E-mail that  
(21) I cannot hear you when you are not in  
(22) the camera frame.

(23) I don't know why you're shaking  
(24) your head because this is something  
(25) that I have raised with you before.



(1) H. NUNEZ

(2) And if your set up is such that you  
(3) and the witness can both not be seen  
(4) or heard at the same time, then we  
(5) need to adjourn this so that you can  
(6) create a set up so that both of you  
(7) can be seen and heard at the same  
(8) time.

(9) This is not up for negotiation.  
(10) This is a basic issue. Both --  
(11) everyone here, the attorney and the  
(12) witness have to be seen on camera and  
(13) have to be heard. You cannot be  
(14) having side conversations with the  
(15) witness. Especially ones that cannot  
(16) be heard by everyone in the  
(17) deposition.

(18) As far as your repeated request  
(19) to record me, I have told you that I  
(20) don't believe that that is proper for  
(21) multiple reasons. I repeatedly told  
(22) you this. And your repeated weird  
(23) request to record me is not sincere.  
(24) The reason I know it's not sincere is  
(25) because I have said to you you are

(1) H. NUNEZ

(2) free to hire a videographer, okay,  
(3) which will pick up everyone's tone of  
(4) voice.

(5) MR. MCGAHA: But not their facial  
(6) expressions.

(7) MS. MASSIMI: There's nothing  
(8) wrong with my facial expressions.

(9) MR. MCGAHA: Your facial  
(10) expressions are very disrespectful.

(11) MS. MASSIMI: Mr. McGaha, so now  
(12) you're criticizing my physical  
(13) appearance.

(14) MR. MCGAHA: No. I'm not. I'm  
(15) criticizing the way you conduct  
(16) yourself during the deposition.

(17) MS. MASSIMI: There's nothing  
(18) wrong with the way --

(19) {Speaking over each other.}

(20) I understand that you don't want  
(21) this witness to testify and you're  
(22) scared what he has to say.

(23) MR. MCGAHA: I'm free to have him  
(24) testify. I can't wait for him to  
(25) testify.

(1) H. NUNEZ

(2) MS. MASSIMI: Then stop  
(3) interrupting me, Mr. McGaha, because  
(4) as I told you you criticizing my  
(5) physical appearance --

(6) MR. MCGAHA: I'm not criticizing  
(7) your physical appearance.

(8) MS. MASSIMI: Mr. McGaha, please  
(9) stop interrupting me. You're accusing  
(10) me of making facial expressions that  
(11) I'm not making.

(12) MR. MCGAHA: Yes. You have.

(13) MS. MASSIMI: You --

(14) MR. MCGAHA: Just record the  
(15) video.

(16) MS. MASSIMI: There's no  
(17) reason --

(18) MR. MCGAHA: Why are you so  
(19) afraid of recording the Zoom meeting?

(20) MS. MASSIMI: Do you understand  
(21) how weird this is?

(22) MR. MCGAHA: No.

(23) MS. MASSIMI: So you know how  
(24) weird it is.

(25) MR. MCGAHA: It's weird. It's

(1) H. NUNEZ

(2) sort of like -- at least it's not done  
(3) clandestinely. At least it's not done  
(4) without the other person knowing about  
(5) it, you know.

(6) MS. MASSIMI: I don't know what  
(7) you're referring to. New York State  
(8) is a one party consent state. So it's  
(9) perfectly legally for non attorneys to  
(10) record the other person without the  
(11) other person knowing. You are an  
(12) attorney.

(13) So you can't clandestinely record  
(14) me nor would I assume that you were  
(15) doing so. So it sounds very weird  
(16) that you would even mention that.

(17) MR. MCGAHA: I'm asking you --

(18) MS. MASSIMI: We have to call the  
(19) court. I cannot proceed like this.  
(20) We have to call the court.

(21) MR. MCGAHA: Okay. I can't wait.  
(22) Call the court.

(23) MS. MASSIMI: This can be off the  
(24) record.

(25) (A discussion was held off the

(1) H. NUNEZ

(2) record.)

(3) MS. MASSIMI: Because none of  
(4) that was on the record I just want to  
(5) summarize. I called the court and  
(6) spoke to the clerk that said the judge  
(7) is going to schedule a call from 3:00  
(8) p.m. during which counsel will call in  
(9) without a court reporter to address  
(10) the issues.

(11) Now, Ms. Feiler, are you able to  
(12) read back the last question?

(13) (The requested portion of the  
(14) record was read by the court  
(15) reporter.)

(16) Q. Mr. Nunez?

(17) A. Yes.

(18) Q. You testified that you reviewed  
(19) Mr. Campbell's complaint in this case,  
(20) correct?

(21) A. Correct.

(22) Q. You reviewed the complaint yesterday;  
(23) is that correct?

(24) A. Correct.

(25) Q. You said that upon your review of the

(1) H. NUNEZ  
(2) complaint you saw things described in  
(3) there that never happened, correct?  
(4) **A. Correct.**  
(5) Q. What are you referring to?  
(6) **A. I'm referring to -- I can't**  
(7) **specifically state it word for word. But**  
(8) **if you can show me the document I can**  
(9) **answer that.**  
(10) Q. I will show you the document. I'm not  
(11) going to show you the document right now.  
(12) Right now I'm asking you about your memory  
(13) of events that you read about yesterday.  
(14) That you are claiming are untrue; are  
(15) you able to testify to that?  
(16) **A. Not unless I see the document again.**  
(17) Q. Why is that?  
(18) **A. 'Cause I can't remember it word for**  
(19) **word.**  
(20) Q. I'm not asking you to provide a  
(21) verbatim account.  
(22) **A. Correct.**  
(23) Q. I'm sorry?  
(24) **A. No. I'm sorry.**  
(25) Q. Did you say something?

(1) H. NUNEZ

(2) **A. You said you're not asking me about a**  
(3) **verbatim account and I said "correct."**

(4) Q. So you understand I'm not asking you  
(5) to provide a verbatim account of what you  
(6) read, correct?

(7) **A. Correct.**

(8) Q. What I'm asking is did you see things  
(9) in the complaint that you believe did not  
(10) happen?

(11) **A. (Nonresponsive.)**

(12) Q. Sir?

(13) **A. I'm -- yes.**

(14) Q. What are those things?

(15) **MR. MCGAHA: Object to form.**

(16) **A. Again, I can't remember it word for**  
(17) **word. I need to see the document.**

(18) Q. I'm not asking you to provide a word  
(19) for word account of what you're claiming  
(20) is not true. I'm asking you to testify  
(21) from memory.

(22) **A. Um, sorry.**

(23) Q. Did you see any accusations in the  
(24) complaint made against yourself?

(25) **A. Yes.**

(1) **H. NUNEZ**

(2) Q. Do you believe those accusations that  
(3) you read in the complaint were truthful?

(4) **MR. MCGAHA: Object to form.**

(5) **A. No. They weren't.**

(6) Q. What about those accusations do you  
(7) believe were not truthful?

(8) **MR. MCGAHA: Object to form.**

(9) **A. Some of the words that were used.**

(10) Q. What words are you referring to?

(11) **MR. MCGAHA: Object to form.**

(12) **A. Um, something about blacks. Like I**  
(13) **said I don't remember word for word. I'm**  
(14) **trying to recall exactly what he wrote**  
(15) **down that I said. But I don't have that**  
(16) **until I see the document again.**

(17) Q. I'm asking about the quality of your  
(18) memory. If you're able to recall  
(19) untruthful accusations.

(20) **MS. MASSIMI: Mr. McGaha, I'm**  
(21) **gonna ask you to stop shaking your**  
(22) **head because it appears as though**  
(23) **you're coaching the witness.**

(24) **MR. MCGAHA: I'm not coaching the**  
(25) **witness. Ask your question.**



(1) H. NUNEZ

(2) MS. MASSIMI: But you're shaking  
(3) your head and --

(4) MR. MCGAHA: I don't care what  
(5) you think I'm doing. We can record  
(6) this if you want to. Do you want to  
(7) record it we can record it.

(8) MS. MASSIMI: Mr. McGaha --

(9) MR. MCGAHA: I'm not being  
(10) deposed. You're deposing the witness  
(11) ask your question.

(12) MS. MASSIMI: Mr. McGaha --

(13) MR. MCGAHA: I'm not being  
(14) lectured or deposed.

(15) MS. MASSIMI: I'm don't believe  
(16) I'm lecturing you.

(17) MR. MCGAHA: I'm not interested  
(18) in what you think. Ask your question.

(19) MS. MASSIMI: Okay. Understood,  
(20) Mr. McGaha. I understand that you're  
(21) not interested in what I think.

(22) MR. MCGAHA: I'm not.

(23) MS. MASSIMI: The reason I don't  
(24) want this recorded because I do not  
(25) believe that your request is being

(1) H. NUNEZ

(2) made in good faith.

(3) MR. MCGAHA: It is being made in  
(4) very good faith. I'm asking you to  
(5) record this, please.

(6) MS. MASSIMI: Mr. McGaha, I  
(7) understand -- Mr. McGaha, I understand  
(8) that you don't want this witness's  
(9) testimony to come out.

(10) MR. MCGAHA: I want this witness  
(11) to be deposed. I'm here and he's  
(12) here, too.

(13) MS. MASSIMI: Okay, Mr. McGaha --

(14) MR. MCGAHA: Let's move on. Ask  
(15) your questions.

(16) MS. MASSIMI: The reason that I  
(17) do not want this to be recorded is --

(18) MR. MCGAHA: You've said the  
(19) reason. We're not interested in the  
(20) reason.

(21) MS. MASSIMI: Would you please  
(22) stop interrupting me? The reason I  
(23) don't want this recorded is because I  
(24) do not believe the request is being  
(25) made --

(1) H. NUNEZ

(2) MR. MCGAHA: It is being made in  
(3) good faith.

(4) MS. MASSIMI: Can I please finish  
(5) what I'm saying? And I can't hear  
(6) you, you're off camera. You're off  
(7) camera and I'm having trouble hearing  
(8) you.

(9) MR. MCGAHA: It is being made in  
(10) good faith.

(11) MS. MASSIMI: And I'd like to  
(12) finish my statement. The reason I  
(13) don't want this recorded is because I  
(14) do not believe that the request is  
(15) being made in good faith. And the  
(16) request is premised on something that  
(17) is not actually happening.

(18) Mr. McGaha, if you would please  
(19) stop talking over me. Again,  
(20) additionally you're off camera so I  
(21) cannot hear what you're saying. I've  
(22) said this to you repeatedly. I would  
(23) appreciate you attempting to remain in  
(24) the camera frame so we can all hear  
(25) what you're saying.

(1) H. NUNEZ

(2) MR. MCGAHA: Seeing me and  
(3) hearing me are two different things.  
(4) It doesn't make any sense that you  
(5) can't hear me because I'm off camera.

(6) MS. MASSIMI: Well, I'm not  
(7) making that up. It's hard to hear you  
(8) when your face is turned away from the  
(9) camera.

(10) MR. MCGAHA: The audio and video  
(11) are two different things.

(12) {Speaking over each other.}

(13) MR. MCGAHA: You should be able  
(14) to hear me. I'm speaking very  
(15) clearly. The court reporter has not  
(16) indicated that she cannot hear me, not  
(17) one time.

(18) MS. MASSIMI: Mr. McGaha, okay,  
(19) let's proceed with the deposition.

(20) MR. MCGAHA: I agree, let's  
(21) proceed.

(22) MS. MASSIMI: You want this  
(23) witness to testify, okay, you don't  
(24) have to coach him.

(25) MR. MCGAHA: I'm not coaching

(1) H. NUNEZ

(2) him. There's no reason to coach him.

(3) MS. MASSIMI: Please stop --  
(4) what?

(5) MR. MCGAHA: I don't coach  
(6) witnesses except before the  
(7) deposition.

(8) {Speaking over each other.}

(9) MS. MASSIMI: -- at deposition  
(10) you admitted you were nodding and  
(11) shaking your head as I was asking  
(12) questions, you're doing it again.

(13) Q. Mr. Nunez?

(14) A. Yes.

(15) Q. You said that you recall reading  
(16) something in your words were about  
(17) "blacks"; did you say that?

(18) A. Yes. I did.

(19) Q. What do you mean by that?

(20) A. Mr. Campbell stated that I said  
(21) something about blacks being like --  
(22) something about black people that's what I  
(23) can recall right now. Something about  
(24) black people.

(25) Q. And you're saying that that statement

(1) H. NUNEZ

(2) was false?

(3) **A. Yes.**

(4) Q. What about that statement was false?

(5) **MR. MCGAHA: Object to form.**

(6) **A. I never said that.**

(7) Q. Never said what?

(8) **A. Whatever statement he wrote about**  
(9) **blacks that he said that I said something**  
(10) **about black people.**

(11) Q. Well, have you ever said anything  
(12) about black people?

(13) **A. No.**

(14) Q. You've never said anything in your  
(15) life about black people?

(16) **MR. MCGAHA: Object to form.**

(17) **A. That I can recall.**

(18) Q. Do you understand the question that  
(19) I'm asking you, sir?

(20) **A. Some what, yes.**

(21) Q. Have you ever --

(22) **A. Have I ever said anything about black**  
(23) **people?**

(24) Q. What I'm trying to understand is  
(25) because that you said that in his

(1) H. NUNEZ

(2) complaint you recall him writing that you  
(3) said something about -- according to you  
(4) quote unquote blacks; is that correct?

(5) **A. I didn't say that he wrote it. It was**  
(6) **in the paperwork that I read that in his**  
(7) **statement he stated that I said something**  
(8) **about black people.**

(9) Q. I believe your wording was that he  
(10) said you said something about blacks; is  
(11) that correct?

(12) **A. Black people, yes.**

(13) Q. Well, did he use the words "blacks" or  
(14) did he use the words "black people?"

(15) **A. Black people.**

(16) Q. Because earlier you used the word  
(17) "blacks", correct?

(18) **A. I --**

(19) **MR. MCGAHA: Object to form.**

(20) **A. I think so.**

(21) Q. But Mr. Campbell in his complaint did  
(22) not use the word "blacks", correct?

(23) **A. I don't know. I don't have the**  
(24) **complaint in front of me.**

(25) Q. Well, the word "black" that's your

(1) H. NUNEZ

(2) word, right?

(3) MR. MCGAHA: Object to form.

(4) A. It's not my word, no. It's not my  
(5) word.

(6) Q. Where did you get the word "blacks"  
(7) from?

(8) MR. MCGAHA: Object to form.

(9) A. From the complaint.

(10) Q. You saw the word "blacks" used in the  
(11) complaint?

(12) MR. MCGAHA: Object to form.

(13) A. Maybe not the plural but, black.

(14) Q. And the statement that you saw where  
(15) Mr. Campbell said you were referring to  
(16) black people, what do you believe was  
(17) untruthful about this statement?

(18) MR. MCGAHA: Object to form.

(19) A. Again, I'm gonna have to read the  
(20) entire statement on the paperwork to  
(21) answer that question.

(22) Q. Can you summarize?

(23) A. It was a long statement that he made.  
(24) I don't remember the entire statement, but  
(25) like I said --



(1) H. NUNEZ

(2) MS. MASSIMI: Mr. MaGaha, if you  
(3) could please stop shaking your head  
(4) while the witness is testifying.

(5) MR. MCGAHA: How do you know I'm  
(6) shaking my head if you can't see me?

(7) MS. MASSIMI: What are you  
(8) talking about, of course, I can see  
(9) you.

(10) MR. MCGAHA: You said you can't  
(11) see me in the frame.

(12) MS. MASSIMI: Mr. MaGaha, that's  
(13) not what I said. And you'll see,  
(14) you'll see at the end of this  
(15) deposition and you'll see at the end  
(16) of discovery that these tactics from  
(17) you have done nothing to deter us.  
(18) You will see, okay.

(19) What I said to you before was you  
(20) are intermittently appearing on and  
(21) off camera. Right now when you were  
(22) shaking your head you were on camera,  
(23) but you were also going off camera at  
(24) times. I'm asking you --

(25) MR. MCGAHA: I haven't moved.

(1) H. NUNEZ

(2) MS. MASSIMI: Okay, Mr. MaGaha, I  
(3) believe you were just shaking your  
(4) head. I'm asking you to please stop.

(5) MR. MCGAHA: I'm not shaking my  
(6) head.

(7) MS. MASSIMI: You were.

(8) MR. MCGAHA: Why don't you record  
(9) the video then. I'm asking you if you  
(10) think I'm shaking my head why won't  
(11) you record this Zoom meeting? I'm not  
(12) shaking my head.

(13) MS. MASSIMI: The reason I don't  
(14) want to record the Zoom meeting, Mr.  
(15) McGaha, is because I have told you I  
(16) believe the request is made in bad  
(17) faith.

(18) MR. MCGAHA: I'm not shaking my  
(19) head.

(20) MS. MASSIMI: Mr. McGaha, please  
(21) stop interrupting me. I don't believe  
(22) the request is being made in good  
(23) faith. And the request is premised on  
(24) something that I'm not doing.

(25) MR. MCGAHA: Okay.

(1) H. NUNEZ

(2) MS. MASSIMI: You've made  
(3) criticism --

(4) MR. MCGAHA: I'm not doing it --

(5) MS. MASSIMI: Okay.

(6) MR. MCGAHA: You're also making  
(7) statements about things that I'm doing  
(8) that I'm not doing.

(9) MS. MASSIMI: Okay, Mr. McGaha,  
(10) that's simply --

(11) MR. MCGAHA: So why don't we just  
(12) put it on video so that it's clear.  
(13) So anyone watching -- that's what I'm  
(14) asking us to do. If you think I'm  
(15) shaking my head, why don't we record  
(16) this video and then you can show the  
(17) judge that I'm shaking my head if I'm  
(18) in fact shaking my head.

(19) But I'm not shaking my head. I'm  
(20) not going in and out of the frame.  
(21) I'm not doing any of that stuff.  
(22) Please ask your questions.

(23) MS. MASSIMI: The reason I do not  
(24) want --

(25) MR. MCGAHA: We were

(1) H. NUNEZ

(2) accommodating to you to start this  
(3) deposition late. We started at 2:00  
(4) o'clock because you had something to  
(5) do.

(6) MS. MASSIMI: Correct.

(7) MR. MCGAHA: We typically start  
(8) in the morning. So we were making  
(9) accommodations for you and your  
(10) schedule. Please respect our time,  
(11) too and continue with the deposition.

(12) MS. MASSIMI: Mr. MaGaha, you  
(13) certainly agreed to start at 2:00  
(14) o'clock.

(15) MR. MCGAHA: I did agree because  
(16) I'm an accommodating person and we  
(17) would also like you to respond in kind  
(18) being --

(19) MS. MASSIMI: Mr. McGaha --

(20) MR. MCGAHA: -- respectful of our  
(21) time and continuing with the  
(22) deposition.

(23) MS. MASSIMI: As I said, Mr.  
(24) MaGaha, it will be become apparent to  
(25) you --

(1) H. NUNEZ

(2) MR. MCGAHA: I'm not interested  
(3) in --

(4) MS. MASSIMI: It will become  
(5) apparent to you --

(6) THE COURT REPORTER: This is  
(7) going to be a mess of a transcript.

(8) MS. MASSIMI: Please stop  
(9) speaking over me. I'm letting you  
(10) speak even though you're really not  
(11) supposed to make speeches. But it  
(12) will become apparent to you perhaps  
(13) too late for you that your tactics are  
(14) not going to deter us.

(15) MR. MCGAHA: I don't have any  
(16) tactics.

(17) MS. MASSIMI: I think right now  
(18) would be a good point to break 'cause  
(19) we do have to call in five minutes to  
(20) the court. So let's go off the  
(21) record. And take the break to call  
(22) the court.

(23) (A recess was taken.)

(24) MS. MASSIMI: Are you able to  
(25) locate the last question and answer?

(1) **H. NUNEZ**

(2) **(The requested portion of the**  
(3) **record was read by the court**  
(4) **reporter.)**

(5) Q. Let's go back, Mr. Nunez, you said  
(6) that you reviewed paperwork in preparation  
(7) for today, correct?

(8) **A. Correct.**

(9) Q. Of that paperwork you reviewed, you  
(10) reviewed a complaint, correct?

(11) **A. Correct.**

(12) Q. You reviewed the complaint that  
(13) Mr. Campbell or that I filed on  
(14) Mr. Campbell's behalf to commence this  
(15) lawsuit. Is that what you're referring  
(16) to?

(17) **A. Yes.**

(18) Q. And am I correct that you testified  
(19) earlier that upon your review of that  
(20) complaint yesterday you saw some things  
(21) that you say never happened?

(22) **A. Correct.**

(23) Q. What are those things that you read  
(24) yesterday that you say never happened?

(25) **A. I would have to see the complaint.**

(1) **H. NUNEZ**

(2) Q. I am not asking you to give me a word  
(3) for word answer, a verbatim answer of what  
(4) you read. I'm asking you what were you  
(5) accused of in that complaint that you're  
(6) claiming never happened?

(7) **A. That I said something about black**  
(8) **people.**

(9) Q. What did you say about black people  
(10) that you are claiming never happened or  
(11) what are you accused of having said about  
(12) black people that you are saying never  
(13) happened?

(14) **MR. MCGAHA: Object to form.**

(15) **A. I would have to see the complaint**  
(16) **document in the entirety, the paragraph**  
(17) **that he wrote on there about what I said.**

(18) Q. Has Kevin Campbell accused you of  
(19) saying things that you never said?

(20) **A. On the complaint form it has that,**  
(21) **yes.**

(22) Q. Any other time has he accused you of  
(23) saying things that you never said?

(24) **A. No.**

(25) Q. How many statements --

(1) H. NUNEZ

(2) **A. That I recall, no.**

(3) Q. I'm sorry?

(4) **A. That I recall, no.**

(5) Q. Other than the complaint that you  
(6) reviewed did you review any other  
(7) documents in preparation for today's  
(8) deposition?

(9) **A. No.**

(10) Q. Did the complaint refresh your  
(11) recollection about the incident that we're  
(12) here to discuss today?

(13) **A. Not entirely, no.**

(14) Q. Okay. Were there events that you did  
(15) not recall prior to reviewing the  
(16) complaint that you recalled after you  
(17) reviewed the complaint?

(18) **A. No.**

(19) Q. Those statements that you reviewed in  
(20) the complaint that you are saying never  
(21) happened, was yesterday your first time  
(22) hearing of those accusations?

(23) **A. Yes.**

(24) Q. And again, you're unable to tell me as  
(25) you sit here today what those accusations



(1) H. NUNEZ

(2) are?

(3) **A. Yes.**

(4) Q. Do you believe those accusations or  
(5) were those accusations shocking to you?

(6) **A. Yes.**

(7) Q. And you don't remember what they are,  
(8) correct?

(9) **A. Not -- like I said I would have to see**  
(10) **the documents to read the entire paragraph**  
(11) **to know exactly what Mr. Campbell said.**

(12) Q. I'm not asking you to tell me exactly  
(13) what Mr. Campbell said.

(14) **A. Right. I would have to see the**  
(15) **paragraph to remember exactly what**  
(16) **Mr. Campbell said.**

(17) Q. Do you need to see the paragraph to  
(18) remember what you felt was shocking about  
(19) the accusation? Sir, if you can just  
(20) please stay in the camera frame, thank  
(21) you.

(22) **A. I'm trying to squeeze in here as much**  
(23) **as I can.**

(24) Q. Do you recall --

(25) **A. Can you repeat that, please?**

(1) **H. NUNEZ**

(2) **MS. MASSIMI: Can you read back**  
(3) **the question?**

(4) **(The requested portion of the**  
(5) **record was read by the court**  
(6) **reporter.)**

(7) **A. Yes. I would need to see the**  
(8) **paragraph, yes.**

(9) Q. So you're not able to tell me what you  
(10) believe is shocking about the accusation  
(11) without reading the accusation?

(12) **A. Correct.**

(13) Q. Do you recall the sum and substance of  
(14) the accusation?

(15) **MR. MCGAHA: Object to form.**

(16) **A. No. I do not.**

(17) Q. You just know it had something to do  
(18) with black people?

(19) **A. Correct.**

(20) Q. And you never said anything about  
(21) black people?

(22) **A. No. I did not.**

(23) Q. Never?

(24) **A. That I recall, no.**

(25) Q. Have you ever referred prior to this

(1) H. NUNEZ

(2) deposition have you ever referred to black  
(3) people as "blacks?"

(4) **A. No.**

(5) Q. Why did you use that word here today?

(6) **A. Because I was trying to remember**  
(7) **exactly what the paragraph said. And I**  
(8) **thought it said blacks if I remember I**  
(9) **thought it said blacks. From what I was**  
(10) **reading.**

(11) Q. Did you review any audio recording in  
(12) preparation for today's deposition?

(13) **A. The only -- no audio records, no, no.**  
(14) **No audio recordings.**

(15) Q. Did you review any photographs in  
(16) preparation for today's deposition?

(17) **A. No. No photographs.**

(18) Q. The word "blacks" does not appear in  
(19) Kevin Campbell's complaint, correct?

(20) **MR. MCGAHA: Object to form.**

(21) **A. I do not recall, no.**

(22) Q. Okay. Other than Mr. MaGaha have you  
(23) met with any other attorneys related to  
(24) this lawsuit?

(25) **A. No.**

(1) **H. NUNEZ**

(2) Q. Do you have any nicknames?

(3) **A. No.**

(4) Q. What name do you go by, Henry?

(5) **A. Henry.**

(6) Q. Where were you born?

(7) **A. I was born in Puerto Rico.**

(8) Q. Are you a United States citizen?

(9) **A. Yes, ma'am.**

(10) Q. What is your race?

(11) **A. Puerto Rican, Hispanic.**

(12) Q. Do you have kids?

(13) **A. Yes, ma'am.**

(14) Q. What is their race?

(15) **A. Puerto Rican, Hispanics.**

(16) Q. Are you married?

(17) **A. Yes, ma'am.**

(18) Q. What is your wife's race?

(19) **A. Puerto Rican Hispanic.**

(20) Q. How many times have you been married?

(21) **A. One time, ma'am.**

(22) Q. Is that your current marriage?

(23) **A. Yes, ma'am.**

(24) Q. Where -- what race or races are your

(25) parents?

(1) H. NUNEZ

(2) **A. They're both Puerto Rican, Hispanics.**

(3) Q. Where do you currently reside? What  
(4) state area do you reside in? You don't  
(5) have to give me your exact address.

(6) **A. Queens, New York.**

(7) Q. What neighborhood in Queens?

(8) **A. Glendale.**

(9) Q. Have you ever complained of  
(10) discrimination at Fed Ex?

(11) **A. No.**

(12) Q. Have you ever requested any type of  
(13) accommodation for any disability while  
(14) working at Fed Ex?

(15) **A. No.**

(16) Q. Have you ever been convicted of a  
(17) felony?

(18) **A. Yes.**

(19) Q. What felony?

(20) **A. Class E felony.**

(21) Q. What was that conviction for?

(22) **A. Destroying private property, yes.**  
(23) **Destroying private property.**

(24) Q. When was that conviction?

(25) **A. I was 18 years old. That would be**

(1) **H. NUNEZ**

(2) **1988, '87. Around there somewhere.**

(3) Q. Okay. What was the circumstance of  
(4) that -- what was the circumstance giving  
(5) rise to that conviction?

(6) **A. I was involved in an altercation with**  
(7) **movie goers and I was thrown out of the**  
(8) **movie theatre. And as I was walking out I**  
(9) **tried to kick the door open. And I**  
(10) **accidentally kicked the glass and it**  
(11) **shattered the glass.**

(12) **I was arrested for that and I had to**  
(13) **pay for the glass.**

(14) Q. Were you convicted upon a plea or a  
(15) jury trial or something else?

(16) **A. I think it was -- it wasn't a jury**  
(17) **trial. It wasn't a jury trial, no.**

(18) Q. Did you have to serve time in prison  
(19) related to that conviction?

(20) **A. No, ma'am.**

(21) Q. Any other felony convictions?

(22) **A. No, ma'am.**

(23) Q. What -- where was that conviction was  
(24) it in New York City?

(25) **A. Mineola.**

(1) **H. NUNEZ**

(2) Q. Mineola, okay.

(3) What was the -- did you have to do  
(4) probation or parole related to that  
(5) conviction?

(6) **A. I got a years probation.**

(7) Q. You were 18 -- did you say you were 18  
(8) at the time?

(9) **A. I was 18, yes.**

(10) Q. How old are you now?

(11) **A. 54. I'll be 55 in September.**

(12) Q. Understood.

(13) And you said that was the only felony  
(14) conviction any where, correct?

(15) **A. Yes.**

(16) Q. No convictions in Puerto Rico?

(17) **A. No, ma'am.**

(18) Q. Have you ever attended or been court  
(19) ordered to attend any anger management  
(20) classes or counseling?

(21) **A. No, ma'am.**

(22) Q. Have you ever sued anyone before?

(23) **A. No, ma'am.**

(24) Q. Have you ever been sued?

(25) **A. No, ma'am.**

(1) **H. NUNEZ**

(2) Q. What's your highest level of  
(3) education?

(4) **A. High school graduate.**

(5) Q. You graduated from high school?

(6) **A. Yes, ma'am.**

(7) Q. Which high school?

(8) **A. Automotive High School.**

(9) Q. Where is that located?

(10) **A. Brooklyn, New York.**

(11) Q. Do you have any college credits?

(12) **A. Yes, ma'am.**

(13) Q. How many?

(14) **A. I can't recall how many credits. I**  
(15) **don't recall.**

(16) Q. Okay. Are you able to tell me what  
(17) area of study those credits are in?

(18) **A. It was in IT.**

(19) Q. Do you have plans to finish your  
(20) degree?

(21) **A. No, ma'am.**

(22) Q. Do you have any professional degrees,  
(23) licenses or certifications?

(24) **A. No, ma'am.**

(25) Q. Do you have a driver's license?



(1) H. NUNEZ

(2) A. Yes, ma'am.

(3) Q. Has it ever been suspended?

(4) A. Yes. It was, ma'am.

(5) Q. When was that?

(6) A. Um, I can't recall the exact year.

(7) The 90s. I can't recall which year.

(8) Q. For what reason was it suspended?

(9) A. I failed -- I got a summons for a  
(10) busted headlight. As the officer  
(11) explained to me all I would have to do is  
(12) take the ticket to the precinct once I  
(13) fixed the headlight. I did that.

(14) I didn't realize I had to go to DMV  
(15) and also show that the ticket was  
(16) cancelled. Because I didn't go to DMV I  
(17) think a year later I was pulled over in my  
(18) uncle's -- I was driving my uncle to the  
(19) airport and I was pulled over 'cause he  
(20) had a busted taillight.

(21) The officer ran my license and he came  
(22) and told me that it was suspended. I  
(23) asked him and he explained to me why it  
(24) was suspended.

(25) Q. Okay. That was resolved and you got

(1) H. NUNEZ

(2) your license back?

(3) **A. Yes. I paid the fine and it was**  
(4) **resolved and my license was reinstated.**

(5) Q. So I assume you're not currently on  
(6) probation or parole, correct?

(7) **A. No, ma'am, I'm not.**

(8) Q. Are you currently employed?

(9) **A. Yes, ma'am.**

(10) Q. Who's your employer?

(11) **A. Fed Ex, ma'am.**

(12) Q. How long have you been employed by Fed  
(13) Ex?

(14) **A. 20 years, ma'am. 20 years May 14th.**

(15) Q. On May 14th it will be 20 years?

(16) **A. Yes, ma'am.**

(17) Q. What is your job title?

(18) **A. Operations manager.**

(19) Q. How long have you held that title?

(20) **A. Seven years May 2nd.**

(21) Q. Have you held any other job titles  
(22) with Fed Ex?

(23) **A. I was a courier, ma'am, when I first**  
(24) **started.**

(25) Q. From courier you received a promotion,

(1) H. NUNEZ

(2) correct?

(3) **A. Yes. I applied to management, yes.**

(4) Q. From -- what promotion did you receive  
(5) from courier?

(6) **A. It wasn't a promotion, but I did an**  
(7) **interview and I was hired as a manager.**  
(8) **From a courier to a manager.**

(9) Q. Okay. So I understand what the  
(10) distinction is, that's not a promotion?

(11) You applied for it, right?

(12) **A. I applied for it, yes.**

(13) Q. And then you received the promotion?

(14) **A. I did the interview and I was hired.**  
(15) **After the interview I was told I was**  
(16) **hired. A few days later I was told I was**  
(17) **hired, yes.**

(18) Q. Understood. And that was from courier  
(19) to what again?

(20) **A. Courier to operation manager.**

(21) Q. And that's your current position,  
(22) correct?

(23) **A. That's my current position now, yes.**

(24) Q. Have you ever been a plaintiff in a  
(25) fair labor standard case?

(1) H. NUNEZ

(2) **A. No, ma'am.**

(3) Q. You've never -- have you ever been a  
(4) plaintiff in a wage an hour case --

(5) **A. No.**

(6) Q. -- for unpaid wages?

(7) **A. That I recall, no.**

(8) Q. Okay. How many times did you apply to  
(9) become -- is it operations manager?

(10) **A. Yes. One time.**

(11) Q. One time?

(12) **A. Once.**

(13) Q. You said that was a test?

(14) **A. No. It was an interview.**

(15) Q. No test, just an interview.

(16) How many times did you interview for  
(17) that position?

(18) **A. One time.**

(19) Q. Who conducted that interview?

(20) **A. HR was there. Senior manager at the**  
(21) **time was there and another senior manager**  
(22) **from another station was there. So it was**  
(23) **HR, two senior managers and myself.**

(24) Q. Who is your current supervisor?

(25) **A. Eric Wanders.**

(1) **H. NUNEZ**

(2) Q. Who was your supervisor in May of  
(3) 2021?

(4) **A. Eric Wanders.**

(5) Q. How long has Eric Wanders been your  
(6) supervisor?

(7) **A. Um, I'll say about five years. Maybe**  
(8) **five, six years. Maybe five years.**

(9) Q. Are you currently in a union?

(10) **A. No, ma'am.**

(11) Q. Have you ever served in the military  
(12) any where?

(13) **A. No, ma'am.**

(14) Q. Have you ever been a member of law  
(15) enforcement?

(16) **A. No, ma'am.**

(17) Q. What was your job before you joined  
(18) Fed Ex?

(19) **A. I worked at Bankers Trust Deutsche**  
(20) **Bank.**

(21) Q. What did you do there?

(22) **A. I was IT.**

(23) Q. Did you have these credits in IT at  
(24) the time you had that job?

(25) **A. No, ma'am. I actually went to school.**

(1) **H. NUNEZ**

(2) **My manager sent me to school to get some**  
(3) **credit for the IT job, yes.**

(4) Q. During your time with Fed Ex does Fed  
(5) Ex ever provide you with training  
(6) regarding employment discrimination?

(7) **A. Yes. We do it every year.**

(8) Q. What type of training do they provide  
(9) to you?

(10) **A. It's video. We have to do training on**  
(11) **video.**

(12) Q. This is a yearly training that you  
(13) have to comply with?

(14) **A. Every year, yes, ma'am.**

(15) Q. What is discrimination?

(16) **A. To me it's a group of people that feel**  
(17) **that they're being targeted for their**  
(18) **race, gender, religion.**

(19) Q. Can discrimination or can something  
(20) constitute discrimination when it's not  
(21) targeted at a group, but it's targeted at  
(22) an individual?

(23) **A. I guess so.**

(24) Q. Is that -- do you know if -- I'm  
(25) sorry?

(1) H. NUNEZ

(2) **A. I said I guess so but then I said,**  
(3) **yes.**

(4) Q. What is retaliation?

(5) **A. When a person picks on someone whose**  
(6) **done something that they feel wasn't part**  
(7) **of what every one else was doing I guess.**

(8) Q. Okay. Does Fed Ex provide you with  
(9) training regarding retaliation?

(10) **A. We have. That's part of I think the**  
(11) **discriminatory video that we watch. It's**  
(12) **also in that video, yes.**

(13) Q. Has Fed Ex ever provided you with any  
(14) training regarding the New York City Human  
(15) Rights Law?

(16) **A. It's in that video also. I think**  
(17) **they're all combined to that video.**

(18) Q. They talk about --

(19) **A. Yes. All that is combined in that**  
(20) **video. It's about maybe almost an hour**  
(21) **and a half, two hour long video.**

(22) Q. In that video -- is it the same video  
(23) you watch every year?

(24) **A. Every year, yes.**

(25) Q. And every year they talk about the New

(1) H. NUNEZ

(2) York State Humans Rights Law?

(3) **A. I can't recall if that's on it, but it**  
(4) **could be on there. I mean it's a long**  
(5) **video. It has a lot of stuff.**

(6) **Stuff they talk about on there on**  
(7) **discrimination, retaliation and a lot of**  
(8) **other stuff that's on there.**

(9) Q. Does Fed Ex have a policy against race  
(10) discrimination?

(11) **A. Yes. I think there is a policy on**  
(12) **that, but I can't recall exactly what it**  
(13) **is. I would have to -- I can't recall**  
(14) **what it is.**

(15) Q. Are you able to summarize your  
(16) understanding of Fed Ex's policy regarding  
(17) race discrimination?

(18) **A. If I read the policy and I see it,**  
(19) **yes, I will be able to summarize it, yes.**

(20) Q. Okay. Does Fed Ex prohibit race  
(21) discrimination?

(22) **A. To my knowledge, yes, it does.**

(23) Q. Is there any level of race  
(24) discrimination that Fed Ex tolerates?

(25) **MR. MCGAHA: Object to form.**



(1) **H. NUNEZ**

(2) **A. Fed Ex does not tolerate any type of**  
(3) **racism or any type of retaliation or any**  
(4) **of that.**

(5) Q. Can race discrimination to your  
(6) knowledge take the form of harassment?

(7) **A. Yes, yes.**

(8) Q. Does Fed Ex have a policy against  
(9) harassment based on an individual's race?

(10) **A. Yes.**

(11) Q. Does Fed Ex have a policy against  
(12) making racially discriminatory or  
(13) harassing comments?

(14) **A. Yes.**

(15) Q. Pursuant to Fed Ex policy can  
(16) commentary constitute race discrimination?

(17) **MR. MCGAHA: Object to form.**

(18) **A. Can you repeat that again? I'm sorry.**

(19) Q. Pursuant to Fed Ex policy can comments  
(20) from one individual to another constitute  
(21) race discrimination?

(22) **MR. MCGAHA: Object to form.**

(23) **A. Comments from one individual to**  
(24) **another? Um, I assume so.**

(25) Q. Well, do you know whether or not that

(1) H. NUNEZ

(2) is the case at Fed Ex?

(3) MR. MCGAHA: Object to form.

(4) A. I would have to go -- I would have to  
(5) look at the policy and read it to -- just  
(6) to be sure.

(7) Q. Are racially discriminatory comments a  
(8) form of racial discrimination?

(9) A. Yes.

(10) Q. Are racially offensive comments a form  
(11) of racial discrimination?

(12) A. Yes.

(13) Q. Is there a handbook which applies to  
(14) your position at Fed Ex?

(15) A. Um, it's the people binder. I'm  
(16) trying to recall if I ever got a handbook  
(17) from managers. I can't recall that. It's  
(18) so long ago I can't recall if we do have  
(19) one.

(20) I know the people manual is one.

(21) Q. Okay. Well in that people manual are  
(22) there included Fed Ex's policies regarding  
(23) race discrimination?

(24) A. Yes. There is.

(25) Q. The policies that you've been

(1) H. NUNEZ

(2) referring to, those are written policies;  
(3) is that correct?

(4) **A. Yes. It is.**

(5) Q. And its your understanding that those  
(6) policies are located in the handbook that  
(7) you just described?

(8) **A. The people binder. The people manual,**  
(9) **yes.**

(10) Q. During your time as manager with Fed  
(11) Ex have you ever had occasion to refer to  
(12) or review those policies as part of your  
(13) job?

(14) **A. Yes.**

(15) Q. Under what circumstances would you  
(16) have occasion to do that?

(17) **A. When an employee is either accused of,**  
(18) **not accused but whether they've been in an**  
(19) **accident, injury, property was lost.**  
(20) **Stuff like that.**

(21) Q. Have you ever referred to the Fed Ex  
(22) policy and procedure regarding race  
(23) discrimination or retaliation?

(24) **A. Have I ever used it, no. I've never**  
(25) **had to look it up or use it, no.**

(1) **H. NUNEZ**

(2) Q. Have you ever participated in any  
(3) racial jokes at Fed Ex?

(4) **A. No, ma'am.**

(5) Q. Do you know anyone who has?

(6) **A. No, ma'am.**

(7) Q. How would you describe the working  
(8) environment at Fed Ex?

(9) **A. You know some people think it's like a**  
(10) **second family, basically. I mean, you**  
(11) **spend more time with the people at work**  
(12) **than you do at home. So I would say**  
(13) **there's coworkers and there's some that**  
(14) **are like family members.**

(15) Q. And at work do people ever say  
(16) racially inappropriate things?

(17) **A. That I know, no, ma'am.**

(18) Q. Do you know the name of the plaintiff  
(19) in this case?

(20) **A. Do I know, I'm sorry.**

(21) Q. Do you know the name of the plaintiff  
(22) in this case?

(23) **A. Kevin Campbell. Yes. I do know. I'm**  
(24) **sorry.**

(25) Q. It's all good. What is the nature of

(1) H. NUNEZ

(2) your relationship, if any, with Mr.

(3) Campbell?

(4) **A. He was my courier when I was hired as**  
(5) **a manager and I was put on the belt that**  
(6) **he worked on, yeah.**

(7) Q. Was he working there as a courier when  
(8) you were promoted?

(9) **A. He was already there, yes.**

(10) Q. Did you know him before --

(11) **A. No.**

(12) Q. -- you got promoted?

(13) **A. No. I didn't know him before I was**  
(14) **hired, no.**

(15) Q. Were you working as a courier at  
(16) another location than the one you became  
(17) supervisor at?

(18) **A. No. I was a courier at the same**  
(19) **location.**

(20) Q. Did you work as a courier at the same  
(21) location at the same time Mr. Campbell was  
(22) working there as a courier?

(23) **A. No. I was actually out on disability.**  
(24) **I was out on disability when he was a**  
(25) **courier. So I wasn't -- when he was**

(1) **H. NUNEZ**

(2) **hired.**

(3) Q. And when you came back from disability  
(4) you were a supervisor?

(5) **A. I came back, yes. I became a**  
(6) **supervisor afterward, yes.**

(7) Q. When you came back -- was the  
(8) disability that you went out on related to  
(9) a workplace injury?

(10) **A. Yes. It was.**

(11) Q. Did you receive workers' compensation  
(12) for that?

(13) **A. Yes. I did.**

(14) Q. Did you have any lawsuit related to  
(15) that injury following the workers'  
(16) compensation claim?

(17) **A. Yes, yes. I had -- there was an**  
(18) **attorney there, yes.**

(19) Q. Are you referring to the workers'  
(20) compensation proceeding?

(21) **A. Yes, yes, yes.**

(22) Q. But to your knowledge other than that  
(23) workers' compensation proceeding there was  
(24) no other lawsuit for compensatory damages,  
(25) pain and suffering, anything like that?

(1) H. NUNEZ

(2) **A. Yes. There was for my knee, yes.**

(3) Q. So did you sue Fed Ex in court?

(4) **A. No, no. That was a lawyer that**  
(5) **handled all of that. I never went to**  
(6) **court.**

(7) Q. How long were you out on disability?

(8) **A. Eight months.**

(9) Q. When you returned to work was that  
(10) disability -- was that injury healed?

(11) **A. Yes.**

(12) Q. Did that injury -- you said it was  
(13) your knee?

(14) **A. It was my right knee, yes.**

(15) Q. Does that injury still give you issue  
(16) today?

(17) **A. Yes. It does.**

(18) Q. Do you ever need to request reasonable  
(19) accommodations from Fed Ex related to that  
(20) injury?

(21) **A. No.**

(22) Q. Would you have been able to perform  
(23) your duties as a courier with that knee  
(24) injury?

(25) **A. When I came back, yes. I was still a**

(1) **H. NUNEZ**

(2) **courier before I became a manager so, yes,**  
(3) **I was still doing.**

(4) Q. So when you came back from disability,  
(5) you came back as a courier?

(6) **A. Yes. I came back as a courier, yes.**

(7) Q. So was there a period of time you and  
(8) Mr. Campbell worked together as couriers?

(9) **A. No.**

(10) Q. Can you explain that to me? I'm  
(11) sorry, I thought you said you worked at  
(12) the same station.

(13) **A. Yes. But different belts. I was in**  
(14) **Brooklyn and I think he was in Elmhurst**  
(15) **which is totally different sides of the**  
(16) **belt.**

(17) Q. All part of the same station though?

(18) **A. Same station, but there's four**  
(19) **different belts for different areas. I**  
(20) **mean for many different areas, but four**  
(21) **different belts.**

(22) Q. When you say, "you worked the belt,"  
(23) what do you mean by that? What did you  
(24) do?

(25) **A. I was a variable. I loaded trucks**



(1) **H. NUNEZ**

(2) **when I was a courier. I loaded my**  
(3) **neighboring routes. I was a van loader.**

(4) Q. Did you ever have to as they say, work  
(5) the belt?

(6) A. No. I didn't split the belt. I  
(7) grabbed packages that came down if it was  
(8) for my neighboring route. I would load it  
(9) into their vehicle.

(10) Q. You have no experience splitting the  
(11) belt?

(12) A. Yes. I do have experience. That's  
(13) when I became a courier. When you first  
(14) become a courier they put you on the off  
(15) load. Then after that they put you over  
(16) to do the dock sort. Then you do  
(17) splitting position.

(18) I did everything when I first became a  
(19) courier. I did splitter, dock sort, the  
(20) off loader, van loader. I had a lot  
(21) positions there when I first became  
(22) courier.

(23) Q. What does it meant to split belt; what  
(24) is that?

(25) A. Packages come down the belt. It's

(1) H. NUNEZ  
(2) four belts. You stand on one -- depending  
(3) on where you were standing you have to  
(4) take the packages for your belt and pull  
(5) them over and put them on your belt.

(6) So a long belt that went down to a  
(7) station and four belts that went parallel  
(8) I mean vertical to that. The belt going  
(9) down you would stand at a belt, grab a  
(10) package that's for that belt, you pull it  
(11) over. Pull over that's a split. Pull it  
(12) over it everything else goes to the next  
(13) belt.

(14) Q. How long did you split the belt for?

(15) A. Maybe a few months.

(16) Q. Is that when you injured your knee?

(17) A. No, no. I injured my knee while out  
(18) doing deliveries.

(19) Q. Did you work with anyone else while  
(20) splitting the belt?

(21) A. It's a couple of splitters, me and  
(22) someone else. That's how I did it. It's  
(23) a couple of spitters. You know each belt  
(24) has like two splitters. Two splitters,  
(25) two splitter, two splitters, two

(1) **H. NUNEZ**

(2) **splitters.**

(3) Q. What's the purpose of the two  
(4) splitters?

(5) A. To help packages. Sometimes the  
(6) packages are on one side of the belt  
(7) you're on this side. The person's on the  
(8) other side of the belt so he helps you.

(9) You can't make, you try to push  
(10) packages across the belt you need help.  
(11) So the person grabs while you're pushing  
(12) the other grabs it. You can't reach over  
(13) the entire belt. The belt's too wide.

(14) It's easy to get injured trying to  
(15) reach over the belt.

(16) Q. Is it hard work?

(17) A. Yes. It is. Sometimes it's very  
(18) heavy. Some are not, but some are.

(19) Q. Did you ever miss freight?

(20) A. Yeah, yeah. We can recycles. It's  
(21) called recycles, yes.

(22) Q. What does that mean?

(23) A. That means the packages go down at the  
(24) end of the belt. Would end up on another  
(25) belt. We would have to send a courier

(1) **H. NUNEZ**

(2) **with a hand truck to get our freight. He**  
(3) **would bring it back up to the top and then**  
(4) **it will come back down the belt.**

(5) Q. When you split the belt how often did  
(6) you miss freight?

(7) **A. Let's say the flow is about 2,000**  
(8) **packages an hour. I'm sorry 2,000**  
(9) **packages every half hour I think it is.**  
(10) **We miss about maybe a total maybe about 30**  
(11) **pieces to 40 depends, yeah.**

(12) **If it was a heavy day maybe 50 pieces.**

(13) Q. It's just the nature of that position,  
(14) right?

(15) **A. Yes, yes. Just the nature, yes.**

(16) Q. You are not a defendant in this  
(17) lawsuit, correct?

(18) **A. Not that I know.**

(19) Q. Right, yes. It's not a trick  
(20) question. You are not a defendant,  
(21) correct?

(22) **A. Correct.**

(23) Q. You're not being sued here, right?

(24) **A. No.**

(25) Q. Okay. Do you have an understanding of

(1) H. NUNEZ

(2) what Mr. Campbell's allegations are in  
(3) this case?

(4) **A. Yes. I do.**

(5) Q. What's your understanding of what  
(6) Mr. Campbell's alleging here?

(7) **A. That he was -- that he's stating that**  
(8) **he was profiled for being black or that he**  
(9) **was picked on because he was black.**

(10) Q. What do you mean, "profiled?"

(11) **A. Um, that like I said that he stated**  
(12) **that he was picked on or he was -- what**  
(13) **was the word he used? I can't think of**  
(14) **the word now, geez.**

(15) **He was singled out or something like**  
(16) **that I think is the word I'm trying to use**  
(17) **here.**

(18) Q. What do you think about that, about  
(19) his allegation that he was singled out and  
(20) picked on?

(21) **A. In my opinion that is not true.**  
(22) **That's not true.**

(23) Q. What are you basing that on?

(24) **A. That I never seen anyone do that.**  
(25) **I've never -- I know I didn't do that to**

(1) **H. NUNEZ**

(2) **him. So I mean that's what I'm basing it**  
(3) **on.**

(4) Q. Do you believe that Mr. Campbell is  
(5) lying about being picked on and being  
(6) singled out?

(7) **A. I can't answer that question. Do I**  
(8) **think he was picked on, no, I don't think**  
(9) **he was picked on. I don't think he was**  
(10) **singled out, no.**

(11) Q. I'm asking you a slightly different  
(12) question which is do you believe Mr.  
(13) Campbell is lying about being picked on  
(14) and being singled out?

(15) **A. Do I think he's lying? Yes. I would**  
(16) **say yes, yes.**

(17) Q. Why would he do that?

(18) **MR. MCGAHA: Object to form.**

(19) **A. I don't know. I don't know.**

(20) Q. Are you able to give me any motive for  
(21) why you believe Kevin Campbell is lying  
(22) about being picked on or singled out?

(23) **MR. MCGAHA: Object to form.**

(24) **A. No. I cannot.**

(25) Q. Have you ever known Kevin to lie about

(1) H. NUNEZ

(2) stuff?

(3) **A. To me never lied to me about anything.**  
(4) **Never lied to me about anything. Other**  
(5) **than that I can't answer what he's done to**  
(6) **anyone else, no, I don't know.**

(7) Q. I'm just asking about your personal  
(8) experience with Kevin.

(9) **A. To me, no.**

(10) Q. What type of worker was Kevin?

(11) **A. He was a good worker. He came from**  
(12) **Team T. He was a good worker.**

(13) Q. Did Kevin ever mention anything to you  
(14) about discrimination he was experiencing?

(15) **A. No.**

(16) Q. Did he ever mention anything to you  
(17) about retaliation he was experiencing?

(18) **A. No.**

(19) Q. Did people ever call Kevin a snitch?

(20) **A. Not that I heard of, no.**

(21) Q. Is he a snitch?

(22) **MR. MCGAHA: Object to form.**

(23) **A. Not that I know of, no.**

(24) Q. You don't know Kevin Campbell to be a  
(25) snitch, correct?

(1) H. NUNEZ

(2) **A. That I know of, no.**

(3) Q. What's a snitch?

(4) **A. A snitch would be a person who tells**  
(5) **on other people if they do -- tell on**  
(6) **other people things they do to other**  
(7) **people. They'll just listen this guy does**  
(8) **this or this person does that or this**  
(9) **person did this.**

(10) Q. So in other words, if someone sees  
(11) someone doing something wrong and then  
(12) informs on that person, they're a snitch?

(13) **MR. MCGAHA: Object to form.**

(14) **A. I'm assuming that's what that is,**  
(15) **yeah.**

(16) Q. You understand that in this lawsuit  
(17) Kevin Campbell is complaining of  
(18) discrimination, correct?

(19) **A. Yes.**

(20) Q. Do you believe he is alleging  
(21) discrimination in this lawsuit that he  
(22) never told you about?

(23) **MR. MCGAHA: Object to form.**

(24) **A. He never told me anything about**  
(25) **discrimination.**



(1) **H. NUNEZ**

(2) Q. Do you wish he would have complained  
(3) to you about discrimination if it was in  
(4) fact occurring?

(5) **A. If he would've came to me and told me**  
(6) **he was being discriminated against or that**  
(7) **I would've called HR and went to my**  
(8) **manager.**

(9) Q. Eric Wanders?

(10) **A. Yes.**

(11) Q. What's your relationship like with  
(12) Eric Wanders?

(13) **A. He's my senior manager.**

(14) Q. What's your working relationship?

(15) **A. We're pretty good together.**

(16) Q. How would you describe Mr. Wander's  
(17) management style?

(18) **A. He's firm. You know, this is -- tells**  
(19) **it -- this is what I need. He's runs a**  
(20) **tight ship.**

(21) Q. If you had witnessed Mr. Campbell  
(22) being discriminated against what, if  
(23) anything, would you have done?

(24) **A. If I would've witnessed Mr. Campbell I**  
(25) **would've went to HR.**

(1) **H. NUNEZ**

(2) Q. If you witnessed Mr. Campbell being  
(3) discriminated against did you have an  
(4) obligation to go to HR?

(5) **A. Yes.**

(6) Q. Do you know during your time at Fed Ex  
(7) if Mr. Campbell ever made discrimination  
(8) complaints?

(9) **A. To me he never did, no.**

(10) Q. To anyone, did he ever complain to  
(11) anyone?

(12) **A. I don't know if he did to anyone else,**  
(13) **no.**

(14) Q. You don't know whether during his time  
(15) at Fed Ex Mr. Campbell ever complained of  
(16) discrimination?

(17) **A. No. I don't.**

(18) Q. Did there come a point in time when  
(19) you stopped being Kevin Campbell's  
(20) supervisor?

(21) **A. Yes. I was -- all managers were**  
(22) **switched from belts. I was on Kevin**  
(23) **Campbell's, the higher belt. I was moved**  
(24) **over to the LGA belt. The manager that**  
(25) **was on the Long Island City belt was moved**

(1) **H. NUNEZ**

(2) **over to the Brooklyn belt. The manager**  
(3) **that was on the Brooklyn belt was moved**  
(4) **over to the Kevin Campbell belt. It was**  
(5) **-- they moved managers around.**

(6) Q. Do you know why they did that?

(7) A. Our senior managers wanted us to learn  
(8) every route in the station. Just like a  
(9) courier, like a swing driver.

(10) Who a swing driver knows every single  
(11) route that's on the belt he works on. So  
(12) that's what our manager wanted us. He  
(13) wanted us to learn other belts, other  
(14) areas. That we have knowledge of all the  
(15) areas on each belt.

(16) Q. And all those belts where the managers  
(17) were moved those were all part of the LGA  
(18) station; am I understanding you correctly?

(19) A. Yes. The managers that work in the  
(20) LGA station, yes.

(21) Q. When did that switch occur that you  
(22) were no longer Kevin Campbell's manager?

(23) A. I'm trying to remember. I can't  
(24) remember the exact year. It happened  
(25) midyear. It happened midyear. I just

(1) **H. NUNEZ**

(2) **can't remember what year it was. Could've**  
(3) **been -- I'm trying to think. I got COVID**  
(4) **I think I was still on the high belt 2020.**  
(5) **I think it was after 2020 'cause when I**  
(6) **had gotten COVID I was still on the high**  
(7) **belt.**

(8) Q. Are you considered an essential  
(9) worker?

(10) **A. Yes. I am.**

(11) Q. Was Mr. Campbell considered an  
(12) essential worker?

(13) **A. Yes.**

(14) Q. That was the case in 2020, 2021,  
(15) correct?

(16) **A. Correct, yes.**

(17) Q. You guys all worked through COVID?

(18) **A. Yes. We did.**

(19) Q. Are you aware as to whether Mr.  
(20) Campbell is still employed by Fed Ex?

(21) **A. That I know of, no, he's not employed**  
(22) **by Fed Ex.**

(23) Q. Do you know why?

(24) **A. He was -- I think he was terminated**  
(25) **for fighting, I think it was.**

(1) **H. NUNEZ**

(2) Q. You think he was terminated for  
(3) fighting?

(4) **A. Well, an altercation. Not a fight,**  
(5) **but an altercation I think it was, yeah.**

(6) Q. How did you find out about that?

(7) **A. When I came back from vacation. I**  
(8) **wasn't there when it happened. When I**  
(9) **came back from vacation.**

(10) Q. How did you find about it? Who told  
(11) you or did you read it somewhere?

(12) **A. No. I think -- managers have their**  
(13) **morning meetings, I found out about it in**  
(14) **the managers meeting, I think it was.**

(15) Q. What was your reaction upon hearing  
(16) this news?

(17) **A. I was totally shocked of who the**  
(18) **person that Kevin Campbell and the person**  
(19) **that the altercation was with also.**

(20) Q. What specifically were you shocked  
(21) about? What aspect of this?

(22) **A. Two quiet individuals who they kept to**  
(23) **themselves. They kept to themselves all**  
(24) **the time.**

(25) Q. Did you ever find out the details of

(1) H. NUNEZ

(2) this altercation?

(3) **A. Um, somewhat the details of it, but**  
(4) **not all the details of it, no.**

(5) Q. I understand you weren't there, but  
(6) what's your understanding of what happened  
(7) based on what you heard or saw or read?

(8) **MR. MCGAHA: Object to form.**

(9) **A. Again, I never saw, I never read**  
(10) **anything. I didn't see the whatever, the**  
(11) **paperwork. All I know they was terminated**  
(12) **for an altercation.**

(13) Q. Do you believe that Mr. Campbell  
(14) deserved to be terminated?

(15) **MR. MCGAHA: Object to form.**

(16) **A. That is not for me to say, ma'am.**

(17) Q. What about Augusto Abate (phonetic?)

(18) **MR. MCGAHA: Object to form.**

(19) **A. No.**

(20) Q. Did you ever hear whether anyone  
(21) pulled a box cutter or weapon during the  
(22) altercation?

(23) **A. No.**

(24) Q. You never heard about that?

(25) **A. No.**

(1) **H. NUNEZ**

(2) Q. You don't know who was the aggressor,  
(3) you never heard anything --

(4) **A. No.**

(5) Q. -- you never heard anything about who  
(6) was the aggressor in this situation?

(7) **A. No, ma'am.**

(8) Q. Did you ever hear anyone say that  
(9) Kevin Campbell was accused of bumping into  
(10) Augusto?

(11) **MR. MCGAHA: Object to form.**

(12) **A. All I know was that it was an**  
(13) **altercation and they were both terminated.**  
(14) **That's all I heard.**

(15) Q. When did you return from vacation?

(16) **A. I don't know. I can't recall the**  
(17) **exact date I returned. I don't remember**  
(18) **the exact date I returned.**

(19) Q. This meeting where you heard about  
(20) Kevin Campbell's termination, do you  
(21) recall who was in that meeting?

(22) **A. No. I do not.**

(23) Q. Was Eric Wanders in that meeting?

(24) **A. No. He was not.**

(25) Q. Did you ever speak to Eric Wanders

(1) H. NUNEZ

(2) about Kevin Campbell's termination?

(3) **A. No. I did not.**

(4) Q. Did you ever speak to Monte Bobell  
(5) about Kevin Campbell's termination?

(6) **A. Monte Bobell, no, I did not.**

(7) Q. Did you ever talk to anyone about  
(8) Kevin Campbell's termination? Like did  
(9) you ever say hey what happened?

(10) **MR. MCGAHA: Object to form.**

(11) **A. No.**

(12) Q. What did the guys do, anything like  
(13) that?

(14) **A. No. I did not.**

(15) **MR. MCGAHA: Object to form.**

(16) Q. Did you ever hear anyone say Kevin was  
(17) aggressive?

(18) **MR. MCGAHA: Object to form.**

(19) **A. No. I did not.**

(20) Q. Did you ever hear anyone say Kevin  
(21) incited the altercation?

(22) **MR. MCGAHA: Object to form.**

(23) **A. No. I did not.**

(24) Q. Were you at all involved in the  
(25) decision to terminate Kevin's employment?



(1) H. NUNEZ

(2) **A. No. I was not.**

(3) Q. Do you know who made the decision to  
(4) terminate Kevin's employment?

(5) **A. That would've been his manager at the**  
(6) **time.**

(7) Q. Which was who?

(8) **A. I think was Monte Bobell.**

(9) Q. Have you ever terminated anyone at Fed  
(10) Ex?

(11) **A. Yes, ma'am.**

(12) Q. Under what circumstances?

(13) **A. Um, when I first was hired the first**  
(14) **week I was manager I had to terminate an**  
(15) **employee for not -- he got into a vehicle**  
(16) **accident and he never reported it. Then a**  
(17) **few months later -- well, it happened**  
(18) **before I became a manager.**

(19) **And then when I became a manager**  
(20) **that's when the E-mail went out he was**  
(21) **involved in a vehicle accident. And**  
(22) **because he didn't report it, I had to**  
(23) **terminate him.**

(24) Q. What is the procedure for terminating  
(25) an employee as a manager?

(1) H. NUNEZ

(2) A. As a manager, I would have to go into  
(3) the people manual. It depends on what it  
(4) is. What they done. It would have to be  
(5) -- I would have to investigate, get the  
(6) statements. I would have to call  
(7) security. I would have to call HR.

(8) And that's basically how we have to do  
(9) it. We have to investigate everything  
(10) that happens. We have to investigate to  
(11) make sure.

(12) Q. So there's a process before you just  
(13) terminate someone?

(14) A. Yes. It is, yes.

(15) Q. And as part of that process do you  
(16) have to speak to Eric Wanders?

(17) A. Yes.

(18) Q. At what point?

(19) A. Once I speak with HR. Once I speak  
(20) with security. I also speak with Eric  
(21) Wanders. So I have to inform him of what  
(22) is going on.

(23) Q. Prior to the termination, correct?

(24) A. Right, yes. Beginning of the  
(25) investigation. when it happens we have to

(1) **H. NUNEZ**

(2) go talk to a manager and then let them  
(3) know what the situation is. Then I --  
(4) everything else falls in line of HR,  
(5) security, HR, security. Um,  
(6) investigation, you know, pictures all that  
(7) stuff. Depends on the situation, yes.

(8) Q. Have you ever -- I don't know if this  
(9) is the correct word, but have you ever had  
(10) to consider whether to terminate someone  
(11) and it wasn't really a clear answer as to  
(12) whether the person should be terminated?

(13) **A. No, no.**

(14) Q. Have you ever wanted to terminate  
(15) someone and Eric Wanders told you no this  
(16) person should not be terminated?

(17) **A. I'm trying to think. I mean, no, no.**  
(18) **I haven't terminated that many people for**  
(19) **it to get to that, no.**

(20) Q. Have you ever terminated anyone  
(21) without Eric Wanders approval?

(22) **MR. MCGAHA: Object to form.**

(23) **A. Yes. I mean it's up to us whether --**  
(24) **it's up to the manager to give the**  
(25) **discipline out. It's up to the manager.**

(1) **H. NUNEZ**

(2) **Like I said, all we have to do is give**  
(3) **Eric the information. And then the**  
(4) **managers one who decided whether the**  
(5) **courier is OCC'd, warning letter or**  
(6) **terminated. It depends on the act.**

(7) Q. What is the purpose giving the  
(8) information to Eric Wanders?

(9) **A. He's the senior manager. He's the one**  
(10) **that runs the station. He needs to know**  
(11) **everything that goes on in the station.**

(12) Q. Okay. Does he have a role in the  
(13) termination process?

(14) **A. No.**

(15) Q. Did you ever speak to anyone other  
(16) than Mr. MaGaha regarding Kevin Campbell's  
(17) termination?

(18) **A. No. Just to Mr. McGaha.**

(19) Q. Did anyone ever come to speak to you  
(20) about Mr. Campbell after he was  
(21) terminated?

(22) **A. No.**

(23) Q. Did you ever give a statement to Nan  
(24) Malebranche regarding Kevin Campbell?

(25) **A. No.**

(1) **H. NUNEZ**

(2) Q. Did you ever speak to anyone regarding  
(3) Kevin Campbell's complaints of  
(4) discrimination?

(5) **MR. MCGAHA: Object to form.**

(6) **A. Like I said, he never complained to me**  
(7) **about any discrimination.**

(8) Q. Have you had any contact with Mr.  
(9) Campbell after his termination?

(10) **A. No. I have not, no.**

(11) Q. Did you ever help him file an EEO  
(12) complaint?

(13) **A. No. I did not.**

(14) Q. Do you know if anyone ever filed any  
(15) EEO complaints on his behalf?

(16) **A. No. I do not.**

(17) Q. Do you know if there was ever an EEO  
(18) investigation into the allegations made by  
(19) Mr. Campbell?

(20) **A. That I know of, no.**

(21) Q. Did Nan Malebranche ever ask you  
(22) whether you witnessed any discriminatory  
(23) comments made from another employee to  
(24) Kevin Campbell?

(25) **MR. MCGAHA: Object to form.**

(1) **H. NUNEZ**

(2) **A. No, ma'am.**

(3) Q. Did you ever tell Nan Malebranche that  
(4) you would never allow someone to make  
(5) discriminatory comments to anyone?

(6) **MR. MCGAHA: Object to form.**

(7) **A. I've never spoken -- I mean I never**  
(8) **said that to Nan Malebranche.**

(9) Q. Have you ever spoken to Nan  
(10) Malebranche?

(11) **A. Yes. I have.**

(12) Q. Was there any issue with Kevin  
(13) Campbell's job performance before you left  
(14) for vacation in 2021?

(15) **A. No, no.**

(16) Q. You were not present for this incident  
(17) with Kevin and Augusto, correct?

(18) **A. I was not present.**

(19) Q. You heard about it after the fact,  
(20) correct?

(21) **A. When I came back from vacation, yes.**

(22) Q. You don't remember who told you,  
(23) correct?

(24) **A. No. It was so long ago, no.**

(25) Q. Someone told you, though, correct?

(1) H. NUNEZ

(2) **A. Yes.**

(3) Q. You don't know who you spoke to about  
(4) it, correct?

(5) **A. No.**

(6) Q. Do you know whether Kevin ever GFT'd  
(7) his termination?

(8) **A. I don't know.**

(9) Q. Do you know if there was ever -- I  
(10) don't know if I'm referring to this  
(11) incorrectly, but do you know what the  
(12) I-E-E-O is?

(13) **A. I-E-E-O that's what employee equal  
(14) opportunity, yes. I know what it is, yes.**

(15) Q. Did Nan Malebranche ever speak to you  
(16) as part of I-E-E-O related to allegations  
(17) from Kevin Campbell?

(18) **A. No.**

(19) Q. Did anyone ever speak to you as part  
(20) of an I-E-E-O related to allegations from  
(21) Kevin Campbell?

(22) **A. No.**

(23) Q. You know Kevin to be a truthful  
(24) person, correct?

(25) **A. Yes.**

(1) **H. NUNEZ**

(2) Q. Did you grow up in Queens?

(3) **A. No. Brooklyn.**

(4) Q. What neighborhood?

(5) **A. East New York, Brownsville.**

(6) Q. Have you ever been in a fight?

(7) **A. Yes.**

(8) Q. How many times?

(9) **A. A few. I don't recall how many times.**  
(10) **I don't remember, but a few.**

(11) Q. I'm assuming this is all stuff from  
(12) years ago, right?

(13) **A. Yeah. A teenage. Early teens, yeah.**  
(14) **High school, yeah.**

(15) Q. Are you able to tell me how many times  
(16) you were in a fight as a kid?

(17) **A. I can't recall how many fights, no. I**  
(18) **mean as a kid I got also, you know, I got**  
(19) **assaulted by like six people in a train**  
(20) **station one day. I got attacked going to**  
(21) **school on the train. And I cut up with a**  
(22) **razor blade, no. Not how many, no.**

(23) Q. Do you know who Adamol Spencer  
(24) (phonetic) is?

(25) **A. Yes. He's a swing driver at the**



(1) **H. NUNEZ**

(2) **station.**

(3) Q. Is he an honest person as far as you  
(4) know?

(5) **A. Yes.**

(6) Q. Have you ever spoken to Adamol about  
(7) what happened between Kevin and Augusto?

(8) **A. No.**

(9) Q. Has Adamol ever said anything to you  
(10) about this incident with Kevin and  
(11) Augusto?

(12) **A. No.**

(13) Q. Do you know who Jose Romano is?

(14) **A. Yes. He's a courier at the station.**

(15) **He was. He's no longer there.**

(16) Q. What kind of an employee was Jose?

(17) **A. A good employee.**

(18) Q. Same as Adamol?

(19) **A. Yes.**

(20) Q. Any issues with either of them?

(21) **A. No.**

(22) Q. Are you currently Adamol's supervisor?

(23) **A. No.**

(24) Q. Sorry?

(25) **A. Operation manager, no.**

(1) **H. NUNEZ**

(2) Q. Do you know who is operations manager  
(3) is?

(4) **A. Right now it's Simon Kenneth Spence**  
(5) **(phonetic).**

(6) Q. What about Monte Bobell, you worked  
(7) with him, right?

(8) **A. Yes. He was a manager at the station,**  
(9) **yes.**

(10) Q. What happened with Monte? Why is he  
(11) no longer there?

(12) **A. He was terminated.**

(13) Q. For what reason?

(14) **A. I think it was falsification.**

(15) Q. Falsification of what?

(16) **A. Packages. Falsifying delivery**  
(17) **packages, yes.**

(18) Q. Is he the only one to do that?

(19) **A. Yes.**

(20) Q. He's the only person to ever do that?

(21) **A. Yes.**

(22) Q. Did you ever hear from anyone or read  
(23) anywhere about how the altercation between  
(24) Kevin and Augusto began?

(25) **A. No.**

(1) **H. NUNEZ**

(2) Q. Did anyone ever tell you who started  
(3) it?

(4) **MR. MCGAHA: Object to form.**

(5) **A. No. They didn't tell me, no. All I**  
(6) **remember is I came to work and I found out**  
(7) **that they were both terminated.**

(8) Q. Were you aware of any issues between  
(9) Augusto and Kevin at any point?

(10) **A. No.**

(11) Q. Any issues where Augusto would get  
(12) upset with Kevin?

(13) **A. Upset, no.**

(14) Q. Did Kevin -- did Augusto ever get  
(15) upset with Kevin for missing freight?

(16) **A. That I recall, no.**

(17) Q. Did you ever write Kevin up for  
(18) missing freight?

(19) **A. No.**

(20) Q. Did you ever give him an O-L-C-C for  
(21) missing freight?

(22) **A. No.**

(23) Q. Why not?

(24) **A. 'Cause -- OLCC for missing freight,**  
(25) **no.**

(1) H. NUNEZ

(2) Q. Why not?

(3) A. It's part of what it is. It's part of  
(4) the job. Like I said, sometimes a lot of  
(5) freight comes down. You have no choice,  
(6) but to let the freight go down the belt.  
(7) You can't grab everything.

(8) Especially if it's heavy boxes and  
(9) stuff like. And it's overwhelming, you  
(10) can't.

(11) Q. Did you draft any witness statements  
(12) related to an EEO for Kevin Campbell?

(13) A. No.

(14) MS. MASSIMI: I'm gonna show you  
(15) a document. I'm gonna try to screen  
(16) share this. Off the record.

(17) (A discussion was held off the  
(18) record.)

(19) MS. MASSIMI: This will be marked  
(20) as Plaintiff's Exhibit 1 which I will  
(21) send to the court reporter.

(22) (Plaintiff's Exhibit 1, FED EX  
(23) DOCUMENT, was marked for  
(24) identification.)

(25) Q. Sir, I'm showing you a document

(1) H. NUNEZ

(2) bearing stamp FEC 937 to 938.

(3) Mr. Nunez, I'm showing you a document,  
(4) the same document a few moments ago  
(5) bearing stamp FEC 937 through FEC 0938  
(6) which we deemed marked for today as  
(7) Plaintiff's Exhibit 1.

(8) Can you please take a look on the  
(9) first page where it says, "employees  
(10) specific allegation number one?"

(11) **A. Okay.**

(12) Q. Do you see the bullet point under that  
(13) heading?

(14) **A. Right.**

(15) Q. Can you read that to yourself and let  
(16) me know when you're done?

(17) **MR. MCGAHA: Can you make it**  
(18) **bigger? We can't really see it.**

(19) Q. Are you able to see it now?

(20) **A. Yes. Okay.**

(21) Q. Have you now had an opportunity to  
(22) read the contents of the bullet under the  
(23) heading, "employee specific allegation  
(24) number one?"

(25) **A. Yes.**

(1) **H. NUNEZ**

(2) Q. Please go down two headings below to  
(3) where it says investigative finding number  
(4) one; do you see that heading?

(5) **A. Yes.**

(6) Q. There's a bullet point under that  
(7) heading that begins with allegation; do  
(8) you see that?

(9) **A. Yes.**

(10) Q. Can you please read the contents of  
(11) that bullet point to yourself and let me  
(12) know when you're done?

(13) **A. Okay.**

(14) Q. Have you now had an opportunity to  
(15) review the contents of the bullet point  
(16) located investigative finding number one?

(17) **A. Yes.**

(18) Q. This bullet point -- the information  
(19) contained in this bullet point indicates  
(20) that you said, "you would never allow  
(21) someone to speak that way to another  
(22) individual;" do you see that text?

(23) **A. Yes.**

(24) Q. Did Nan Malebranche speak to you about  
(25) the information contained in the bullet

(1) H. NUNEZ

(2) point under employee specific allegation  
(3) number one?

(4) **A. Not that I recall, no.**

(5) Q. Did anyone ever speak to you about the  
(6) allegation at that bullet point under  
(7) employee specific allegation number one?

(8) **A. Not that I recall.**

(9) Q. Do you know why the bullet point under  
(10) -- well, the contents of the bullet point  
(11) under employee specific allegation number  
(12) one says, "complainant stated an employed  
(13) asked how is your new TV? Complainant  
(14) asked what he meant. Complainant  
(15) explained the employee stated the TV you  
(16) and your sister stole this weekend while  
(17) you were riding. Complainant operations  
(18) manager Henry Nunez witnessed this;" do  
(19) you see that there?

(20) **A. I see that there, yes.**

(21) Q. And then the bullet point under  
(22) investigative finding number one states  
(23) "that those allegations could not be  
(24) substantiated," correct?

(25) **A. Correct.**

(1) **H. NUNEZ**

(2) Q. And it further states that manager  
(3) Nunez stated he would never allow someone  
(4) to speak that way to another individual.  
(5) He would immediate pull the employee to  
(6) the side and explain why this is  
(7) unacceptable behavior.

(8) **A. Okay.**

(9) Q. Does it say that?

(10) **A. Yes.**

(11) Q. Do you know why that bullet point  
(12) under investigative finding number one  
(13) says what it says?

(14) **A. (Nonresponsive.)**

(15) **MS. MASSIMI: I can't hear him.**

(16) **MR. MCGAHA: He's not speaking.**

(17) **MS. MASSIMI: I'm sorry.**

(18) **A. I'm trying to figure out who this was**  
(19) **for. 'Cause, yes, if that were to happen,**  
(20) **that's what I would've said, yes.**

(21) Q. Yes, I understand that, but does this  
(22) indicate to you that someone is claiming  
(23) they you spoke to you about these  
(24) allegations?

(25) **A. Could be. I don't recall anyone. I**



(1) **H. NUNEZ**

(2) **can't remember. I don't recall ever**  
(3) **having a conversation with anyone.**

(4) Q. About that allegation?

(5) **A. Right.**

(6) Q. Prior to the EEO did anyone ever ask  
(7) you about this allegation even if years  
(8) prior?

(9) **A. No.**

(10) Q. The date on this memorandum is  
(11) November 23, 2021, correct?

(12) **A. Correct.**

(13) Q. And it looks like it's from Nan  
(14) Malebranche, correct?

(15) **A. It looks like that, yes.**

(16) Q. Are you able to offer any explanation,  
(17) I mean, perhaps I'm missing something.

(18) Area you able to offer any explanation or  
(19) context as to why this document says that  
(20) you said you would never allow someone to  
(21) speak that way to another individual?

(22) **A. That would be something probably I**  
(23) **would've said. I don't recall this. I**  
(24) **can't recall this document. I can't**  
(25) **recall speaking to anyone about this.**

(1) **H. NUNEZ**

(2) Q. Understood. I'm gonna stop sharing  
(3) that for now. Give me a second. I'm just  
(4) going through my notes.

(5) Do you know whether Kevin -- in 2018  
(6) did you cut Kevin Campbell's hours?

(7) A. I didn't cut his hours, no. I tried  
(8) to find him a more suitable way to make  
(9) hours that -- 'cause Kevin Campbell was in  
(10) a truck, was in a truck in -- Kevin  
(11) Campbell was in a vehicle with another  
(12) courier. He couldn't drive a vehicle  
(13) 'cause he didn't have a license.

(14) So he would deliver P ones and then  
(15) after that he had no activity on his power  
(16) PA. There was no activity for him  
(17) delivering. He would just go out with the  
(18) P ones and then he would come back and  
(19) punch out.

(20) And so, you know, we couldn't have  
(21) that. We couldn't have a courier out  
(22) there doing hours with no activity. It  
(23) doesn't make any sense. So I had to  
(24) figure out a way and try get him hours.

(25) So what I did was I told him I would

(1) H. NUNEZ

(2) pick him up at the -- when he was done  
(3) with his last P ones and bring him to the  
(4) station to help out the CSA agents. That  
(5) was he was, you know, actually, you know,  
(6) doing work. He was actually doing  
(7) something.

(8) But I wasn't trying to cut back his  
(9) hours. It was just he wasn't making the  
(10) same amount of hours that he was making  
(11) when he was going on the road. But he was  
(12) still making his minimum, his 35, 40 hours  
(13) a week.

(14) MS. MASSIMI: What do you guys  
(15) want to do? I have probably another  
(16) hour at most of questioning. Do you  
(17) want to keep going or do you wanna  
(18) take a break and come back? I can do  
(19) either.

(20) But I do recognize we've been  
(21) sitting here for some time.

(22) THE WITNESS: I need to use the  
(23) restroom.

(24) MR. MCGAHA: Let's take five  
(25) minutes. I'd rather get done sooner

(1) **H. NUNEZ**

(2) **than later.**

(3) **MS. MASSIMI: Let's come back at**  
(4) **5:00 o'clock.**

(5) **(A recess was taken.)**

(6) Q. Did you ever comment on race to Mr.  
(7) Campbell?

(8) **MR. MCGAHA: Object to form.**

(9) **A. Not that I recall.**

(10) Q. Did you ever comment on his race?

(11) **A. No. Not that I recall, no.**

(12) Q. Did you ever make comments about black  
(13) people to Kevin?

(14) **A. No.**

(15) Q. Have you ever said to Kevin something  
(16) to the effect of, quote, "black people are  
(17) always making excuses about why they can't  
(18) do things, this is why I hate working with  
(19) black people?"

(20) **A. No. I did not.**

(21) Q. Did Kevin ever complain to you about  
(22) Eric Wanders?

(23) **A. No. He did not.**

(24) Q. Did Kevin ever complain about you to  
(25) Eric Wanders?

(1) H. NUNEZ

(2) **A. Not that I recall, no.**

(3) Q. It's your testimony -- did Eric  
(4) Wanders ever speak to you about anyone  
(5) complaining about comments you had made  
(6) regarding race?

(7) **A. No.**

(8) Q. Did you ever apologize to Kevin for  
(9) anything?

(10) **MR. MCGAHA: Object to form.**

(11) **A. I think I apologized once to Kevin**  
(12) **Campbell.**

(13) Q. What was that about?

(14) **A. Um, one day I -- it was the day after**  
(15) **I told him about the -- working with the**  
(16) **CSA agents. That I told him I would pick**  
(17) **him up at the mall and then I was gonna**  
(18) **bring him back. And he had to work with**  
(19) **the CSA agents. He was upset about it.**

(20) **And I said, "listen, I'm trying to get**  
(21) **you hours. Stop being lazy." And then**  
(22) **that was it. And then he got in the truck**  
(23) **and left. Yes, that was then. Eric had**  
(24) **called me to his office and told me did I**  
(25) **say something to Kevin Campbell, I said**

(1) H. NUNEZ

(2) no.

(3) I was telling him I'd pick him up at  
(4) the mall to go pick him up and I told him  
(5) stop being lazy about it. That he had --  
(6) he didn't like the fact that he had to  
(7) work with the CSA agents. 'Cause his job  
(8) title was courier and he wanted to do  
(9) courier job. There was, no, no -- I  
(10) couldn't leave him in the truck not doing  
(11) anything.

(12) So the best thing I could was to get  
(13) him hours was to bring him back and work  
(14) inside with the agent. Either answering  
(15) phone calls, helping out at the front  
(16) counter of the getting packages for  
(17) customers that came in. Stuff like that.  
(18) So I remember I had to go -- went to Kevin  
(19) and listen, you know, when I picked him up  
(20) I said listen I didn't know -- say  
(21) whatever, I didn't mean it in the way that  
(22) you took it. You know, trying to explain  
(23) to him what I was doing.

(24) I'm trying to get him hours. Trying  
(25) to find a way to get him hours without

(1) H. NUNEZ

(2) having to send him home right after P  
(3) ones. I still had to try to figure out  
(4) other ways to get him his minimum hours,  
(5) 35 hours. He was making about 40, 45  
(6) hours a week compared to 50, 55, 60 hours  
(7) he was doing daily before that. So I  
(8) mean, but like I said, there was no  
(9) activity in his power pack for him with  
(10) any activity. I couldn't justify him  
(11) being on the road that long with no  
(12) activity.

(13) I had to figure out a way to get him  
(14) his hours with him working, actually  
(15) working.

(16) Q. What did Eric Wanders say to you? Did  
(17) he say go make it right?

(18) A. No. He said -- he asked what did I  
(19) tell him. I said, you know, I explained  
(20) to him about the CSA coming back and he  
(21) was upset about it. And I said, listen  
(22) just stop being lazy I'm trying to get you  
(23) hours. And that's what I told him.

(24) He said well he must've taken it  
(25) wrong, so you need to go and apologize.

(1) **H. NUNEZ**

(2) **So that's what I did. I went to**  
(3) **apologize.**

(4) Q. Do you recall what you said to Kevin?

(5) A. No. I know I apologize, but I don't  
(6) know exactly what words I used or what I  
(7) told him.

(8) Q. When did you stop being Kevin's  
(9) manager; do you recall?

(10) A. After it was 2020. I think he was  
(11) there for COVID. I don't remember if he  
(12) was there for COVID or no. I can't  
(13) remember exactly 'cause they moved me to  
(14) another belt.

(15) So I think it was after COVID that  
(16) they moved me to another belt.

(17) Q. So you believe --

(18) A. June of maybe 2020. I don't recall  
(19) maybe June 2020.

(20) Q. Towards the end of June or --

(21) A. Yeah. In the beginning of June that's  
(22) when I started at the other belt. I think  
(23) it was like June 1st or July 1st that I  
(24) started on the other belt, but I don't  
(25) recall the exact year.



(1) **H. NUNEZ**

(2) **It could've been 2020. I can't recall**  
(3) **what year it was.**

(4) Q. What do you remember about the summer  
(5) of 2020?

(6) **A. Nothing, nothing.**

(7) Q. Do you remember what was going on in  
(8) New York City at that time, do you recall?

(9) **A. No. I don't. I don't know.**

(10) Q. Do you know who George Floyd is?

(11) **A. Yes, yes. George Floyd, yes. He's**  
(12) **the black man that was I think it was the**  
(13) **knee to the neck by the police officer. I**  
(14) **think it was.**

(15) Q. To your recollection when did that  
(16) happen; do you recall?

(17) **A. No. I do not, no.**

(18) Q. Was that in May of 2020?

(19) **MR. MCGAHA: Object to form.**

(20) **A. I can't remember. I don't recall the**  
(21) **dates of when that happened.**

(22) Q. Do you know what was going on in New  
(23) York City following George Floyd's murder?

(24) **MR. MCGAHA: Object to form.**

(25) **A. What I saw in the news I think it was**

(1) **H. NUNEZ**

(2) **protests. I think it was protesting.**

(3) Q. Do you know whether Kevin Campbell  
(4) ever complained about Peter Lorenzi  
(5) (phonetic?)

(6) **A. No. I do not, no.**

(7) Q. Do you know if Kevin Campbell ever  
(8) complained about Peter Lorenzi to Frank  
(9) Alternata (phonetic?)

(10) **A. Not that I know. I don't know.**

(11) Q. Do you --

(12) **A. I wasn't manager so I don't know.**

(13) Q. Do you know who Peter Lorenzi is?

(14) **A. Yes. He's a courier at our station,**  
(15) **yes.**

(16) Q. What is his race?

(17) **A. He's Hispanic.**

(18) Q. Does he still work at Fed Ex?

(19) **A. Yes. He does.**

(20) Q. Do you know whether Peter Lorenzi ever  
(21) called Kevin Trayvon?

(22) **MR. MCGAHA: Object to form.**

(23) **A. No. I do not.**

(24) Q. Do you know what that is a reference  
(25) to?

(1) H. NUNEZ

(2) MR. MCGAHA: Objection to form.

(3) A. Trayvon was a kid I think was the  
(4) hoodie. He was going to the store and was  
(5) killed or something like that.

(6) Q. Do you know whether Peter Lorenzi  
(7) called Kevin Campbell Trayvon less than a  
(8) week after George Floyd was killed?

(9) A. No. I do not.

(10) MR. MCGAHA: Object to form.

(11) Q. You never heard anything about that?

(12) A. No. I do not.

(13) Q. Do you recall reading that in the  
(14) complaint that you reviewed yesterday?

(15) A. Was it on there? No. The only stuff  
(16) on the complaint was my stuff, I think.

(17) Q. Do you watch the news?

(18) A. I try not to. I tell my wife not to.  
(19) It's always something wrong. Something  
(20) bad or something, no. I try not to watch  
(21) the news.

(22) Q. Do you believe that racism is a  
(23) problem in this country?

(24) A. Yes. It is.

(25) Q. How so?

(1) H. NUNEZ

(2) **A. You see it in the news. I mean**  
(3) **Trayvon, Gardener, Floyd. You know, men**  
(4) **innocent people -- innocent people getting**  
(5) **killed for no apparent reason, you know.**

(6) Q. Are you referring to violence against  
(7) black people in America?

(8) **A. Yes, yes. I mean you know, you be**  
(9) **walking down the street or driving in a**  
(10) **car or, yeah.**

(11) Q. Do you know whether Peter Lorenzi ever  
(12) said to Mr. Campbell, "why are you washing  
(13) your hands for so long? Is it because  
(14) you're not used to having running water in  
(15) the project?"

(16) **MR. MCGAHA: Object to form.**

(17) **A. No, no.**

(18) Q. Do you believe that that is a racist  
(19) statement?

(20) **MR. MCGAHA: Object to form.**

(21) **A. If someone said that to me I would**  
(22) **assume it was, yeah.**

(23) Q. Do you believe it is racist for  
(24) someone to refer to a black man as Trayvon  
(25) when that is in fact not his name?

(1) H. NUNEZ

(2) MR. MCGAHA: Object to form.

(3) A. I mean -- what was the first part of  
(4) the question, do I object?

(5) Q. Did you believe it is racist for  
(6) someone to refer to a black man as Trayvon  
(7) when the person using that word knows in  
(8) fact that is not the black man's correct  
(9) name?

(10) MR. MCGAHA: Object to form.

(11) A. Do I think it's racism? It depends on  
(12) the content of what they're using the name  
(13) for. I mean that wasn't the only person  
(14) who's called Trayvon. I don't know.

(15) Q. Does Mr. Campbell live in the  
(16) projects?

(17) MR. MCGAHA: Object to form.

(18) A. I don't know.

(19) Q. Do you know where Mr. Campbell lives?

(20) A. No. I do not.

(21) Q. Have you ever known Mr. Campbell to  
(22) live in the projects?

(23) MR. MCGAHA: Object to the form.

(24) A. No. Not that I know. I don't know.  
(25) I don't know where he lives. He's never

(1) **H. NUNEZ**

(2) **told me where he resided, no.**

(3) Q. Did you ever talk to Frank Alternata  
(4) about Kevin Campbell?

(5) **A. No.**

(6) Q. You said Peter Lorenzi is Hispanic; is  
(7) that correct?

(8) **A. Yes.**

(9) Q. And I believe you testified before  
(10) that you don't know Kevin Campbell to be a  
(11) snitch, correct?

(12) **A. No. Not that I know of, no.**

(13) Q. Have you ever heard anyone refer to  
(14) Kevin Campbell as a snitch?

(15) **A. No, no. I have not.**

(16) Q. Is Kevin Campbell a trouble maker?

(17) **A. No. He's not.**

(18) Q. Did he cause trouble for people when  
(19) he worked at Fed Ex?

(20) **A. No. He did not.**

(21) Q. Do you remember the COVID pandemic in  
(22) New York?

(23) **A. Yes.**

(24) Q. March 2020, right?

(25) **A. Yes. That's when yes, yes.**

(1) **H. NUNEZ**

(2) Q. During that time you were considered  
(3) an essential worker as was Mr. Campbell?

(4) **A. Yes.**

(5) Q. How would you describe your work  
(6) during that time, the beginning of the  
(7) pandemic?

(8) **A. In the beginning of the pandemic I**  
(9) **actually got COVID. I was out for a**  
(10) **month, bad. That's why I talk the way I**  
(11) **talk now. Um, it was stressful,**  
(12) **stressful.**

(13) Q. Would you describe it as unsafe in a  
(14) way?

(15) **A. We all thought it was. Like I mean,**  
(16) **we took a lot of precautions in the**  
(17) **station. Masks, we had Lysol, everything.**  
(18) **We had sprays, cleaning trucks every day.**  
(19) **We had people come in everyday and clean**  
(20) **trucks.**

(21) **So it was pretty safe to be in the**  
(22) **station. That's my opinion. It was safe**  
(23) **to be in the station, but it was**  
(24) **stressful.**

(25) Q. Right. And you guys were one of the

(1) H. NUNEZ

(2) few -- one of the few groups of people who  
(3) were not permitted to stay home, right?

(4) **A. Correct.**

(5) Q. It's just the nature of the job didn't  
(6) allow that?

(7) **A. Unless you got sick, yeah, you came to**  
(8) **work or yeah. Unless you were sick you**  
(9) **came to work.**

(10) Q. Who is Rob the mechanic?

(11) **A. He's the mechanic at our station.**

(12) Q. Do you know his last name?

(13) **A. Rob Riley.**

(14) Q. What's his race?

(15) **A. He's Caucasian.**

(16) Q. White?

(17) **A. White, yes.**

(18) Q. Do you know if anyone at Fed Ex ever  
(19) accused Kevin of stealing a TV?

(20) **A. No. I do not.**

(21) Q. Do you know whether anyone at Fed Ex  
(22) ever accused Kevin of stealing a TV during  
(23) the summer of 2020?

(24) **A. No. I do not.**

(25) Q. Do you know -- did you ever hear Rob



(1) H. NUNEZ

(2) the mechanic say to Kevin or ask Kevin if  
(3) he had stolen a TV during the summer of  
(4) 2020?

(5) **A. No. I did not.**

(6) Q. If you had heard that statement from  
(7) Rob the mechanic in the summer of 2020  
(8) directed at Kevin Campbell, would you have  
(9) had an obligation to report it?

(10) **A. If Kevin Campbell would've came to me**  
(11) **and told me that he was being racist**  
(12) **towards, yes, I would've called HR.**

(13) Q. Would you have believed that that  
(14) statement was racist?

(15) **A. If Kevin Campbell told me it was I**  
(16) **would, yes.**

(17) Q. If you witnessed racism and there's no  
(18) complaint, do you have an obligation to  
(19) report it?

(20) **A. If I witnessed, yes, I would.**

(21) Q. So if you had witnessed that statement  
(22) and there had been no complaint, would you  
(23) have reported it?

(24) **MR. MCGAHA: Object to form.**

(25) **A. No. Like I said, if Kevin Campbell**

(1) **H. NUNEZ**

(2) **would've came to me and told me that he**  
(3) **was being racist towards him, would've**  
(4) **sent him to HR. I would've called HR.**

(5) Q. Rob the mechanic is white, correct?

(6) A. Yes. He is.

(7) Q. Kevin Campbell's black, correct?

(8) A. Yes. He is.

(9) Q. Rob the mechanic was falsely accusing  
(10) Kevin of making a joke to Kevin about  
(11) stealing property during the summer of  
(12) 2020 in New York City, correct?

(13) A. I do not know.

(14) **MR. MCGAHA: Object to form.**

(15) A. I didn't hear that. I was not there.

(16) Q. Given that context do you believe that  
(17) statement is racist?

(18) **MR. MCGAHA: Object to form.**

(19) A. Again, I wouldn't if he would've came  
(20) to me and told me I would've thought it  
(21) was racist, yes.

(22) Q. Okay.

(23) A. I would've thought it was racist, yes.

(24) Q. I guess my question is hearing that  
(25) statement without a complaint, would you

(1) H. NUNEZ

(2) have had an obligation to report it?

(3) MR. MCGAHA: Object to form.

(4) A. Obligation, yes.

(5) Q. Does Fed Ex have a zero tolerance  
(6) policy for racism?

(7) A. Yes. They do.

(8) Q. What does that mean? Do they fire  
(9) racists?

(10) MR. MCGAHA: Object to form.

(11) A. They would have to do an  
(12) investigation. They're not just gonna  
(13) fire someone. They would have to get  
(14) statements, HR involved. They're not just  
(15) gonna fire someone.

(16) Q. What does it mean to have a zero  
(17) tolerance policy for racism?

(18) MR. MCGAHA: Object to form.

(19) A. I really don't -- to me zero tolerance  
(20) is if someone said something racist and  
(21) it's proven then that's it.

(22) Q. Then they should be fired?

(23) MR. MCGAHA: Object to form.

(24) A. If that's what it comes to. But like  
(25) I said, you would have to investigate to

(1) **H. NUNEZ**

(2) **see if that's factual. I mean, you know,**  
(3) **anyone can say anything about anyone. You**  
(4) **still have to investigate.**

(5) Q. But if an investigation is performed  
(6) into an allegation of racism and it's  
(7) found that someone in fact committed  
(8) racism, is that person, the one who made  
(9) the racist statement have to be fired?

(10) **MR. MCGAHA: Object to form.**

(11) **A. It depends on what the manager would**  
(12) **do. It depends on the manager. It**  
(13) **depends on, I mean it depends on things**  
(14) **you know. Fired, I don't know. I don't**  
(15) **know.**

(16) Q. Zero tolerance policy for racism does  
(17) not necessarily mean that a bad actor  
(18) making racist comments is fired, correct?

(19) **MR. MCGAHA: Object to form.**

(20) **A. I would not know.**

(21) Q. Okay. When Rob the mechanic did,  
(22) strike that.

(23) Did Kevin ever ask you whether he  
(24) needed to make a complaint about something  
(25) that Rob the mechanic had said to him?

(1) H. NUNEZ

(2) **A. No. He did not.**

(3) Q. Did you ever tell Kevin that you  
(4) didn't know whether he should make a  
(5) complaint about something that Rob the  
(6) mechanic said to him?

(7) **A. Not that I recall, no.**

(8) Q. Who was Jeffrey Duratsy (phonetic?)

(9) **A. He's a courier. He was a courier at**  
(10) **our station.**

(11) Q. What race is he?

(12) **A. He's white.**

(13) Q. Do you know whether during the summer  
(14) of 2020 Jeffrey Duratsy ever made a racist  
(15) comment to Kevin?

(16) **A. No. I do not.**

(17) Q. I'm gonna state a comment, I'm gonna  
(18) quote a comment to you and then I'm gonna  
(19) ask you questions about it.

(20) **A. Okay.**

(21) Q. Do you know whether during the summer  
(22) of 2020 Jeffrey Duratsy ever said to Kevin  
(23) open quote, "how about I put you in a cage  
(24) like the gorilla you are?"

(25) **A. No. I do not.**

(1) **H. NUNEZ**

(2) Q. Is that a racist statement?

(3) **MR. MCGAHA: Object to form.**

(4) **A. It could be. What is that it could be**  
(5) **perceived as racist, I guess.**

(6) Q. Do you personally believe that that is  
(7) a racist comment?

(8) **MR. MCGAHA: Object to form.**

(9) **A. I don't. I mean towards me, no.**

(10) Q. Who is Steve Pasqualicchio?

(11) **A. He's a manager. A PM manager at the**  
(12) **station.**

(13) Q. What race is Steve Pasqualicchio?

(14) **A. He's -- I think he's Polish. I think**  
(15) **he's Polish.**

(16) Q. Is he white?

(17) **A. White, yes, white. Skin color white,**  
(18) **yes, but I think he's Polish.**

(19) Q. Is he from Poland?

(20) **A. I think his ethnicity is Polish.**

(21) Q. Okay, understood.

(22) **A. But he's white.**

(23) Q. His last name is Pasqualicchio, right?

(24) **A. Yes.**

(25) Q. Who is Michael Bradley?

(1) H. NUNEZ

(2) **A. He's a PM manager, also. He's white.**

(3) Q. He's white, okay. Do you know whether  
(4) Michael Bradley or Steve Pasqualicchio  
(5) ever witnessed any discrimination or  
(6) harassment against Kevin Campbell?

(7) **A. No. I do not. They're PM managers.**  
(8) **I don't get to see them in the a.m. They**  
(9) **get there in the afternoon.**

(10) Q. Who is David Almeda (phonetic)?

(11) **A. David Almeda is a courier at the**  
(12) **station.**

(13) Q. What is his race?

(14) **A. He's Hispanic.**

(15) Q. Do you know whether David Almeda ever  
(16) said anything about Kevin Campbell; quote,  
(17) "does this guy look like someone who would  
(18) steal your car radio and then try to sell  
(19) it back to you?"

(20) **A. No.**

(21) Q. Do you believe that that is a racist  
(22) statement?

(23) **MR. MCGAHA: Object to form.**

(24) **A. No. Like I said for me, no.**

(25) Q. Do you know whether Kevin Campbell

(1) H. NUNEZ

(2) drove a car, a personal car during the  
(3) time he worked at Fed Ex?

(4) **A. I remember him buying a black BMW.**

(5) Q. So how do you remember that, why do  
(6) you remember that?

(7) **A. 'Cause he told me he bought a car.**

(8) **Once he got his license he had told me he**  
(9) **bought a car. A BMW, a black -- I think**  
(10) **it was a black BMW. I don't know what**  
(11) **series it was, but I think it was a black**  
(12) **BMW.**

(13) Q. Do you know whether anyone -- if he  
(14) ever complained about anyone keying his  
(15) car?

(16) **A. No.**

(17) Q. How would you describe Kevin as a  
(18) person?

(19) **A. A good guy.**

(20) Q. Do you think that Kevin gets upset by  
(21) things easily?

(22) **MR. MCGAHA: Object to form.**

(23) **A. I don't know. I wouldn't know.**

(24) Q. Do you know him to be easily upset by  
(25) things?



(1) H. NUNEZ

(2) **A. No. I mean, no.**

(3) Q. Have you ever said inappropriate  
(4) things at work?

(5) **A. I probably have.**

(6) Q. What type of inappropriate things have  
(7) you said at work?

(8) **MR. MCGAHA: Object to form.**

(9) **A. I don't -- I mean "shit" or a couple**  
(10) **of curse words, you know, probably.**

(11) Q. Have you ever called a Fed Ex employee  
(12) a bitch?

(13) **MR. MCGAHA: Object to form.**

(14) **A. Yeah, yes.**

(15) Q. Why did you do that?

(16) **A. We were -- my courier, joking around.**  
(17) **He used to be one of my couriers. He used**  
(18) **to work with us, joking around. He would**  
(19) **come to my office cracking jokes and we**  
(20) **just would banter between us. Banter**  
(21) **between both of us.**

(22) Q. Who are referring to?

(23) **A. That was Steve Blaise.**

(24) Q. Is that -- did you ever refer to him  
(25) -- first of all, Mr. Blaise what's his

(1) H. NUNEZ

(2) race?

(3) **A. Black.**

(4) Q. Did you ever refer to him as a mother  
(5) fucking bitch?

(6) **MR. MCGAHA: Object to form.**

(7) **A. I probably have.**

(8) Q. Do you recall seeing that on the video  
(9) you reviewed yesterday?

(10) **A. I think I did.**

(11) Q. I just wanna ask you some questions.  
(12) Let me just again figure out how to do  
(13) this.

(14) I'm showing you a still of this video  
(15) that I think you're referring to.  
(16) Actually...

(17) **MS. MASSIMI: This video will be**  
(18) **deemed marked as Plaintiff's Exhibit**  
(19) **2.**

(20) **(Plaintiff's Exhibit 2, VIDEO,**  
(21) **was marked for identification.)**

(22) **MS. MASSIMI: For the record**  
(23) **what --**

(24) **MR. MCGAHA: It needs to be**  
(25) **otherwise -- the video you're**

(1) **H. NUNEZ**

(2) **referring to must be otherwise**  
(3) **identified.**

(4) **MS. MASSIMI: Right, I'm about to**  
(5) **do that by Bate Stamp number and time**  
(6) **length.**

(7) **MR. MCGAHA: Okay.**

(8) **MS. MASSIMI: For the record, I**  
(9) **am showing the witness a document that**  
(10) **we're deeming marked for purposes of**  
(11) **today, Plaintiff's Exhibit 2 bearing**  
(12) **Bate Stamp plaintiffs production**  
(13) **number 70. It's a 46 second video.**

(14) **Q. Do you see this video on your screen?**

(15) **A. Yes.**

(16) **Q. Okay. Who is the person that appears**  
(17) **here in the video?**

(18) **A. That is Steve Blaise.**

(19) **Q. Okay, Steve Blaise. I'm gonna just**  
(20) **play this video and ask you a couple of**  
(21) **questions, okay?**

(22) **A. Um-hmm.**

(23) **Q. I'm not trying to give you a hard**  
(24) **time. Just gonna ask you some questions.**

(25) **A. That's fine.**

(1) **H. NUNEZ**

(2) **{Video playing.}**

(3) Q. So this person at the seven second  
(4) mark sitting at the desk with a black  
(5) baseball cap who is that?

(6) **A. That is me.**

(7) Q. That's you, okay. The words I'll  
(8) smack the shit out of you; did you just  
(9) hear that?

(10) **A. No. There's is no audio.**

(11) **MS. MASSIMI: I can E-mail the**  
(12) **video to defendant and then he can**  
(13) **watch it and then I can ask him**  
(14) **questions about it. Do you want to do**  
(15) **that? Is that acceptable?**

(16) **MR. MCGAHA: Who are you talking**  
(17) **to?**

(18) **MS. MASSIMI: I'm talking to you,**  
(19) **Mr. MaGaha. Do you want to view the**  
(20) **video?**

(21) **MR. MCGAHA: (Inaudible.)**

(22) **MS. MASSIMI: What?**

(23) **MR. MCGAHA: I didn't know who**  
(24) **you were talking to you.**

(25) **MS. MASSIMI: I'm speaking to**

(1) H. NUNEZ

(2) you.

(3) {Speaking over each other.}

(4) MR. MCGAHA: If you're --

(5) MS. MASSIMI: Do you want to view  
(6) the video?

(7) MR. MCGAHA: Excuse me, when you  
(8) address me say, Mr. McGaha do you want  
(9) me to send you the video. You didn't  
(10) say that.

(11) MS. MASSIMI: I just said --

(12) MR. MCGAHA: You just said that.  
(13) You did not initially. Yes, you can  
(14) send me the video.

(15) MS. MASSIMI: I'm sorry, are you  
(16) taking the issue with the way I  
(17) address you 'cause --

(18) MR. MCGAHA: Yes.

(19) MS. MASSIMI: -- I didn't start  
(20) with Mr. MaGaha?

(21) MR. MCGAHA: I'm taking issue  
(22) with the fact that you did not say  
(23) whom you were speaking with when you  
(24) asked. You very rudely said I'm  
(25) speaking to you.

(1) H. NUNEZ

(2) MS. MASSIMI: Because you're  
(3) pretending to not know that I'm  
(4) speaking to you.

(5) MR. MCGAHA: I didn't know you  
(6) were speaking to me. You just --

(7) MS. MASSIMI: As I said, can I  
(8) send this to the defendant and his  
(9) attorney so that --

(10) MR. MCGAHA: That's not what you  
(11) said, but yes, you can send it to me.

(12) MS. MASSIMI: What is it that you  
(13) think I said?

(14) MR. MCGAHA: I doesn't matter.  
(15) Send me the video.

(16) MS. MASSIMI: Okay. Now it  
(17) doesn't matter according to you.

(18) MR. MCGAHA: I just wanna get out  
(19) of here because we started so late.

(20) MS. MASSIMI: We started on time.

(21) MR. MCGAHA: Yes. That's  
(22) because --

(23) MS. MASSIMI: I'm sorry, what was  
(24) that?

(25) MR. MCGAHA: 'Cause you couldn't

(1) H. NUNEZ

(2) start until 2:00 o'clock.

(3) MS. MASSIMI: Correct. Why is  
(4) that so personally offense to you?

(5) MR. MCGAHA: It's not  
(6) personally --

(7) MS. MASSIMI: You tried to bring  
(8) that up again today.

(9) MR. MCGAHA: I'm just making a  
(10) true statement.

(11) MS. MASSIMI: Correct. We  
(12) started at 2:00 p.m. today. It's  
(13) permissible.

(14) MR. MCGAHA: We agreed to allow  
(15) you to start at 2:00 o'clock.

(16) MS. MASSIMI: Correct.

(17) MR. MCGAHA: Thank you.

(18) MS. MASSIMI: No one is  
(19) disagreeing with that.

(20) MR. MCGAHA: I don't think they  
(21) are. There's nothing to disagree  
(22) with.

(23) MS. MASSIMI: Okay. Sure.

(24) MR. MCGAHA: Sure.

(25) MS. MASSIMI: I'm E-mailing the

(1) H. NUNEZ  
(2) video just to Counsel. I'm not  
(3) sending it to the court reporter.  
(4) When you receive the video, please let  
(5) me know.

(6) Have you received the video?

(7) MR. MCGAHA: No. I have the  
(8) video now.

(9) MS. MASSIMI: So I will just  
(10) direct -- give me one second, please.

(11) Can you please view the section  
(12) of the video from 15 seconds to 18  
(13) seconds and please let me know when  
(14) you're are done?

(15) {Video playing.}

(16) Q. Okay. So, Mr. Nunez did you hear the  
(17) part of the video deemed marked for  
(18) purposes of today's Plaintiff's Exhibit 2  
(19) where someone says, "I'll smack the shit  
(20) out of you?"

(21) A. Yes.

(22) Q. Whose voice was that?

(23) A. That was my voice.

(24) MS. MASSIMI: Can you please  
(25) listen to the portion of the video



(1) **H. NUNEZ**

(2) **from 17 seconds to about 25 seconds?**

(3) **{Video playing.}**

(4) Q. I just wanna ask you some questions  
(5) about that.

(6) Did you hear someone commenting on  
(7) Mr. Blaise's hair and then Mr. Blaise  
(8) saying something about his hair?

(9) **A. Yes.**

(10) Q. Who's voice was that?

(11) **A. That was my voice.**

(12) Q. I just wanna ask you a couple of  
(13) questions about that.

(14) Is it a form of antiblack bias to  
(15) negatively comment on a black person's  
(16) natural hair style?

(17) **MR. MCGAHA: Object to form.**

(18) **A. No.**

(19) Q. Do you know whether the New York City  
(20) Human Rights Commission has said that  
(21) quote, "antiblack racism is an insidious  
(22) and persistent form of discrimination  
(23) across the nation and New York City.  
(24) Antiblack racism can be explicit and  
(25) implicit individual and structural.

(1) H. NUNEZ

(2) It can manifest through entrenched  
(3) stereotypes and bias' conscious and  
(4) unconscious. Antiracist bias also includes  
(5) discrimination based on characteristics  
(6) and cultural practices associated with  
(7) being black. Including prohibitions on  
(8) natural hair or hair styles most closely  
(9) associated with black people."

(10) Do you know whether the New York City  
(11) Human Rights Commission has said that?

(12) **A. No. I do not.**

(13) Q. Do you know whether the New York City  
(14) Human Rights Commission has said, "ban or  
(15) restrictions on natural hair or hair  
(16) styles associated with black people are  
(17) often rooted in white standard of  
(18) appearance and perpetuate racist  
(19) stereotypes that black hair styles are  
(20) unprofessional.

(21) Such policies exacerbate antiracist  
(22) bias in employment, at school, while  
(23) playing sports and in other areas of daily  
(24) living."

(25) Did you know whether the New York City

(1) H. NUNEZ

(2) Human Rights Commission has ever said  
(3) that?

(4) **A. I do not.**

(5) Q. Do you know whether the New York City  
(6) Human Rights Commission purports to  
(7) protect the rights of New Yorkers to  
(8) maintain natural hair or hair styles that  
(9) are closely associated with their racial  
(10) ethnic or cultural identities?

(11) **A. I do not.**

(12) Q. What hair style is Mr. Blaise wearing  
(13) in this video that you just watched?

(14) **A. He's got braids.**

(15) Q. Do you know whether the New York City  
(16) Human Rights Commission had said that for  
(17) black people this includes the right to  
(18) maintain natural hair treated or untreated  
(19) hair styles such as locks, corn rows,  
(20) twists braids, ban to knots, afros and or  
(21) the right to keep in an uncut or untrimmed  
(22) state?

(23) Do you know whether the New York City  
(24) Human Rights Commission has said that?

(25) **A. No. I do not.**

(1) **H. NUNEZ**

(2) Q. Has Fed Ex ever educated you to that  
(3) fact?

(4) **A. That I can recall, not that I recall,**  
(5) **no.**

(6) Q. I'm gonna show you another video.  
(7) Let me ask you this. What were you  
(8) saying about Mr. Blaise's hair?

(9) **A. It said --**

(10) **MR. MCGAHA: Do you want to**  
(11) **listen to it again?**

(12) **THE WITNESS: Yes. I don't want**  
(13) **to misspeak.**

(14) **A. He had told me before that he was**  
(15) **gonna get his hair done. So I said I told**  
(16) **him to get his peasy ass hair done.**

(17) Q. I'm sorry you're what ass? What is  
(18) that you said?

(19) **A. Peasy ass hair done.**

(20) Q. I'm either not hearing you correctly  
(21) or unfamiliar with the word you're using.

(22) What's the description word you're  
(23) using?

(24) **A. Peasy.**

(25) Q. What is that?

(1) H. NUNEZ

(2) **A. It looks like little peas. I guess**  
(3) **the corn rows look like little peas.**  
(4) **They're braided into looks like little**  
(5) **peas.**

(6) Q. You're gesturing and touching your  
(7) scalp as you say this, correct?

(8) **A. Yes. It's -- the braids are braided**  
(9) **and it looks like little peas on his hair.**

(10) Q. Had you previously told him to do  
(11) something with his hair?

(12) **A. No. I think that was the -- that I**  
(13) **recall, no. I think that was that time I**  
(14) **guess. I can't recall if I previously**  
(15) **told him about his hair.**

(16) Q. Well, is he allowed to wear his hair  
(17) the way it's depicted in the video you  
(18) just watched?

(19) **A. Yeah. You can wear your hair like**  
(20) **that, yes.**

(21) Q. Fed Ex let's you wear your hair the  
(22) way Mr. Blaise has it depicted in that  
(23) video?

(24) **A. Yes.**

(25) Q. Why would he be -- why would you be

(1) H. NUNEZ

(2) asking him about his hair then?

(3) A. Well, we were joking around. That's  
(4) how we were. Every morning he'd come into  
(5) my office at 5:45 in the morning and this  
(6) is what we would do, back and forth just  
(7) joking around. He's a good friend of  
(8) mine.

(9) And we actually kept in touch. We  
(10) still go out, but it was just early  
(11) morning us just going back and forth  
(12) cracking jokes with each other. That's  
(13) what that was.

(14) Q. Do you have his phone number?

(15) A. Yes. I do.

(16) Q. Can you give it to me please?

(17) A. I would have to ask his permission to  
(18) give it to you.

(19) Q. I don't know that that's accurate,  
(20) sir. What is the basis for your belief  
(21) that you would have to ask your attorney  
(22) -- oh, you mean Mr. Blaise's permission?

(23) A. Yeah. Mr. Blaise permission to give  
(24) his phone number. That's not my number to  
(25) just give out. I just don't give out

(1) **H. NUNEZ**

(2) **people's numbers to anyone.**

(3) Q. Sure. Fair enough. Do me a favor, if  
(4) you haven't done so already, after this  
(5) make sure you give that phone number to  
(6) your attorney.

(7) **A. Okay. That's fine.**

(8) Q. Do you know Mr. Blaise's address?

(9) **A. No.**

(10) Q. Do you know where Mr. Blaise works?

(11) **A. Um, right um, he works for another**  
(12) **company. I can't remember the name right**  
(13) **now.**

(14) Q. Do you follow Mr. Blaise on social  
(15) media?

(16) **A. I think I do.**

(17) Q. Do you know what his Instagram name  
(18) is?

(19) **A. On the video right there it says that**  
(20) **guy underscore chubz with a z. It says it**  
(21) **on the video right there.**

(22) **MS. MASSIMI: I'm almost done.**

(23) **Just give me a couple of seconds.**

(24) **I'm gonna E-mail this to Mr.**

(25) **MaGaha. Mr. McGaha, I E-mailed you**

(1) H. NUNEZ

(2) the second video please let me know  
(3) when you have it.

(4) MR. MCGAHA: I have it.

(5) MS. MASSIMI: We're gonna deem  
(6) this marked for purposes of today as  
(7) Plaintiff's Exhibit 3. It's a video  
(8) previously produced in this  
(9) litigation. Bearing Plaintiff  
(10) production number 72 and it's a 40  
(11) second video.

(12) (Plaintiff's Exhibit 3, VIDEO,  
(13) was marked for identification.)

(14) Q. Are you able to see the video that I  
(15) just E-mailed to your attorney, Mr. Nunez?

(16) A. Yes.

(17) MR. MCGAHA: For the record, it  
(18) appears to be a 39 second video that  
(19) we received. So maybe you sent us the  
(20) wrong one.

(21) MS. MASSIMI: What do you see at  
(22) the first instance on the video?

(23) MR. MCGAHA: It looks the same,  
(24) but I'm just making sure it's the same  
(25) video because this one is only 39



(1) H. NUNEZ

(2) seconds.

(3) MS. MASSIMI: I don't know why  
(4) it's only 39 seconds.

(5) MR. MCGAHA: Me neither.

(6) MS. MASSIMI: I'm not sure.  
(7) Maybe you can screen shot what you're  
(8) looking at and we can discuss this  
(9) later.

(10) MR. MCGAHA: Okay.

(11) MS. MASSIMI: But it's a video.

(12) Q. Is the first thing you see on this  
(13) video is Mr. Blaise, correct?

(14) A. Correct.

(15) Q. He's wearing a shower cap?

(16) A. Yes. He is.

(17) Q. And you guys can also see the video I  
(18) screen shared it. The video that I have  
(19) screened shared appears to be at least in  
(20) the first instance the video that I  
(21) E-mailed to your attorney, correct?

(22) A. Yes.

(23) MR. MCGAHA: But mine says  
(24) Plaintiff production number 72. I  
(25) don't see anything that says that on

(1) **H. NUNEZ**

(2) **yours.**

(3) **MS. MASSIMI: Yes. It does it**  
(4) **says plaintiff's production number 72.**

(5) **MR. MCGAHA: We can't see it.**

(6) **MS. MASSIMI: Do you see it at**  
(7) **the stop?**

(8) **MR. MCGAHA: Okay. I see it now,**  
(9) **yes.**

(10) **MS. MASSIMI: It's the same**  
(11) **video.**

(12) **Q. Sir, what do you see here?**

(13) **A. Um, Steve Blaise with a shower cap.**

(14) **Q. Why is he wearing a shower cap?**

(15) **A. I have no idea. That was Steve Blaise**  
(16) **he always came to work with something**  
(17) **different on all the time. Grinch suit,**  
(18) **santa suit. He came to work one day with**  
(19) **a UPS uniform.**

(20) **That was Steve Blaise. He was a**  
(21) **prankster.**

(22) **Q. Okay, understood. But let me ask you**  
(23) **this. He was a courier, correct, and you**  
(24) **were his manager?**

(25) **A. Correct.**

(1) **H. NUNEZ**

(2) Q. As a manager do you have an obligation  
(3) to maintain a level of professionalism  
(4) regardless of what's going on with the  
(5) couriers?

(6) **A. Yes. I do.**

(7) Q. Can you please take a look at the 35  
(8) second, like 32 seconds to 40 seconds just  
(9) view that section of the video and let me  
(10) know when you're done?

(11) Mr. Nunez, have you now listened to  
(12) the section of the video that's  
(13) approximately from 30 seconds to 40  
(14) seconds on this video bearing plaintiff's  
(15) production number 72?

(16) **A. Yes.**

(17) Q. Did you hear a voice saying the words,  
(18) "mother fucking bitch?"

(19) **A. Yes.**

(20) Q. Whose voice was that?

(21) **A. That was my voice.**

(22) Q. And you were calling Mr. Blaise a  
(23) mother fucking bitch?

(24) **A. Yes.**

(25) Q. So you cursed from time to time at

(1) H. NUNEZ

(2) work, right?

(3) **A. Well, in there I was.**

(4) Q. Right? So I mean --

(5) **A. Yes.**

(6) Q. -- I'm not -- you've cursed?

(7) **A. Yes. I've cursed, yes.**

(8) Q. Are you the only one that does that at  
(9) Fed Ex?

(10) **A. That I know of that I do, yes.**

(11) Q. You're the only person that --

(12) **A. Well, no, no. You said that I curse,**  
(13) **yes.**

(14) Q. You're -- no. My question is at Fed  
(15) Ex there are other managers who curse; is  
(16) that correct?

(17) **MR. MCGAHA: Object to form.**

(18) **A. No. I can't -- that I know of, no.**

(19) Q. You never heard for instance, Monty  
(20) Bobell curse?

(21) **A. No. Monty, no.**

(22) Q. You never heard Monty Bobell curse?

(23) **A. No.**

(24) Q. Why are you -- I feel like there's  
(25) more to this. Is there a particular

(1) H. NUNEZ

(2) reason why you are so certain about that?

(3) **A. Monty was a very quiet individual.**

(4) **Very, yeah, he was -- he didn't talk much.**

(5) **That's for sure. He was very quiet, very**  
(6) **quiet.**

(7) Q. What about Eric Wanders, have you ever  
(8) heard him curse?

(9) **A. No.**

(10) Q. Never heard Eric Wanders utter a curse  
(11) word?

(12) **A. No.**

(13) Q. What other managers have you heard  
(14) curse at work?

(15) **A. That I can recall. While having**  
(16) **conversations with each other, yes. And**  
(17) **in our offices, yes.**

(18) Q. You heard Eric Wanders curse?

(19) **MR. MCGAHA: Objection.**

(20) **A. Not Eric, no.**

(21) Q. You've never heard Eric Wanders utter  
(22) a curse word?

(23) **MR. MCGAHA: Object to form.**

(24) **A. No.**

(25) Q. When you say in conversation you've

(1) H. NUNEZ

(2) heard managers curse, who are you  
(3) referring to?

(4) **A. The manager when I used to sit with in**  
(5) **my office when we talked.**

(6) Q. What is his name?

(7) **A. Angel Flores (phonetic.)**

(8) Q. Anyone else you can think of at Fed Ex  
(9) that used curse words before?

(10) **A. No.**

(11) Q. The statements that you discussed  
(12) earlier where you could be heard talking  
(13) to Mr. Blaise about his hair?

(14) **A. Right.**

(15) Q. You know what I'm referring, to right?

(16) **A. Yes. I do.**

(17) Q. Do you believe that those statements  
(18) are below the Fed Ex standards for how  
(19) managers are supposed to behave?

(20) **MR. MCGAHA: Object to form.**

(21) **A. If -- to me personally, yes. I made a**  
(22) **mistake there. I said things I**  
(23) **shouldn't've said. If I could take back,**  
(24) **I would. But, you know, like I said like**  
(25) **I said me and Blaise are very good**

(1) **H. NUNEZ**

(2) **friends.**

(3) **And what we were doing was just us**  
(4) **going back and forth early in the morning,**  
(5) **just us two there at the time. Just going**  
(6) **at each other cracking jokes with each**  
(7) **other.**

(8) **Like I said, he's a good friend of**  
(9) **mine. Never had an issue with him. He's**  
(10) **a good guy. So nothing racial undertone**  
(11) **none of that was there.**

(12) **Q. You're essentially saying that this is**  
(13) **harmless fun; is that correct?**

(14) **A. Yes. That's what it was between us**  
(15) **two, yes.**

(16) **Q. But he got in trouble for these**  
(17) **videos, did he not?**

(18) **A. Not that I know of, no.**

(19) **Q. Did anyone ever tell him to stop**  
(20) **making these videos?**

(21) **A. Um, once I found out about them that**  
(22) **he -- -first of all, I didn't know he was**  
(23) **recording, for one. He used to be on the**  
(24) **phone. He'd come in on the phone with**  
(25) **either his girlfriend or his mother. And**

(1) **H. NUNEZ**

(2) **he would come in cracking jokes screaming**  
(3) **Henry. And we just went from there.**

(4) **I didn't know he recorded any of this.**  
(5) **Any of this stuff. And I don't remember**  
(6) **when it was, but I had told him listen, I**  
(7) **hope you're not recording any of this**  
(8) **stuff 'cause I can get in trouble for**  
(9) **that. I did tell him that.**

(10) **Q. Did anyone ever talk to you about**  
(11) **these videos at Fed Ex?**

(12) **A. No.**

(13) **Q. Do you know if anyone at Fed Ex ever**  
(14) **told him to take the videos down or to**  
(15) **stop making the videos?**

(16) **A. At Fed Ex not that I know of.**

(17) **Q. Do you know about when these videos**  
(18) **were made, this one of him in the shower**  
(19) **cap? Do you know about what that was**  
(20) **made?**

(21) **A. I don't know. I can't recall what**  
(22) **date that was. All I know is early in the**  
(23) **morning. There was nobody in the station**  
(24) **there was me there. And he would walk in.**  
(25) **He'd be the first one in my office early**



(1) **H. NUNEZ**

(2) **in the morning.**

(3) **Sometimes bringing breakfast, but,**

(4) **yeah just us two sometimes there.**

(5) Q. You said he got fired, right?

(6) A. Yes. He did.

(7) Q. What was the reason he got fired?

(8) A. Um, loss of custodial control.

(9) Q. What does that mean?

(10) A. Mr. Blaise he was on video putting a  
(11) package into this vehicle, a couple of  
(12) packages into his vehicle and those  
(13) packages went missing. They were scanned.  
(14) They went missing.

(15) Q. Putting packages where?

(16) A. A Fed Ex vehicle. He was loading a  
(17) vehicle. He was caught on video loading  
(18) packages into a vehicle that he never  
(19) scanned and those packages never appeared  
(20) again.

(21) Q. Who made the decision to fire him?

(22) A. I did.

(23) Q. Was the implication or the  
(24) understanding that he stole those packages  
(25) or just lost them or what was the issue

(1) H. NUNEZ

(2) there?

(3) **A. He couldn't recall. He couldn't**  
(4) **recall, but he was on video shown putting**  
(5) **the packages, not scanning them. Putting**  
(6) **the packages in the vehicle and them going**  
(7) **missing.**

(8) **So we don't what happened to them.**

(9) Q. Is there anything else you wanna  
(10) mention that you believe might've been not  
(11) mentioned today or misconstrued or not  
(12) addressed properly?

(13) **A. Um, no.**

(14) **MS. MASSIMI: I don't have any**  
(15) **other questions.**

(16) **MR. MCGAHA: I have a few.**

(17) **EXAMINATION BY**

(18) **MR. MCGAHA:**

(19) Q. Mr. Nunez, you -- Ms. Massimi asked  
(20) you a series of questions about whether  
(21) you spoke with Nan Malebranche about  
(22) allegations made by Kevin Campbell and you  
(23) stated you had not; do you remember that?

(24) **A. Correct.**

(25) Q. You stated that you had never spoken

(1) H. NUNEZ

(2) with Nan Malebranche about allegations  
(3) made by Kevin Campbell. Did you mean  
(4) while Kevin Campbell was still employed  
(5) with Fed Ex?

(6) **A. Correct.**

(7) Q. Is that a "yes?"

(8) **A. Yes.**

(9) Q. I know this happened years ago so it  
(10) may be difficult to remember, but is it  
(11) possible that you spoke with Nan  
(12) Malebranche and or someone else from HR  
(13) about Kevin Campbell after he was  
(14) terminated about allegations that he may  
(15) have made at the GFT stage or at some  
(16) point after he was terminated?

(17) **A. As I can recall, yes.**

(18) Q. So if Nan Malebranche stated that you  
(19) spoke with her on a particular day, I know  
(20) it was about three years ago, but Nan  
(21) Malebranche said that you spoke with her  
(22) on a particular day, would she be lying  
(23) about that?

(24) **A. No. She would not.**

(25) Q. Would you trust that a document that

(1) H. NUNEZ

(2) states that you spoke with Nan Malebranche  
(3) on a particular day, if that document  
(4) states that you did, would you agree that  
(5) you did?

(6) **A. Yes.**

(7) Q. Even if you don't recall the  
(8) particular day?

(9) **A. Yes.**

(10) Q. Did you ever have a conversation  
(11) strike that.

(12) What is Steve Blaise, the gentleman in  
(13) the two videos that we viewed today that  
(14) are exhibits 2 and 3 of the deposition,  
(15) what did Steven Blaise say to you when you  
(16) told him that he needed to stop recording  
(17) the videos?

(18) **A. He stated that he wasn't recording at**  
(19) **the time. And then he said he was just on**  
(20) **the phone, right.**

(21) Q. Did he say anything to you about his  
(22) social media audio?

(23) **A. Oh, yes, yes he did. He said the**  
(24) **banter that him and I were going through**  
(25) **people loved it. He's saying look they**

(1) **H. NUNEZ**

(2) **love you because it's like Ren and Stimpy**  
(3) **or Laurel and Hardy something like that.**  
(4) **They love the fact that you guys go at it**  
(5) **with each other.**

(6) Q. So was Steve Blaise saying essentially  
(7) that he was posting these videos for  
(8) entertainment value for his social media  
(9) following?

(10) **A. Yes.**

(11) Q. And did he say that they loved you  
(12) meaning that they loved you as a  
(13) character?

(14) **A. As a character. It was like a show,**  
(15) **like a show that we did every morning.**

(16) Q. And you were not aware of this,  
(17) correct?

(18) **A. No. I wasn't. At first I wasn't**  
(19) **aware he was recording like that. I**  
(20) **didn't know.**

(21) Q. Did you ever have a discussion with  
(22) Steve Blaise about his hair in the context  
(23) of your own son?

(24) **A. Yes.**

(25) Q. Can you explain that discussion that

(1) H. NUNEZ

(2) you had?

(3) MS. MASSIMI: I'm sorry, in the  
(4) context of what?

(5) MR. MCGAHA: His son.

(6) A. My son.

(7) Q. In the context of your son, I'm sorry.  
(8) If I didn't say that loudly enough, if so,  
(9) could you explain that?

(10) A. My son wears the same braids, sorry.  
(11) My son wears the same braids that he does.  
(12) And I tell him when he doesn't take care  
(13) of them they get just like Steve Blaise  
(14) did. All messed up. And I tell my son  
(15) you have to comb your peasy hair.

(16) And I remember Steve Blaise came to  
(17) work one day and they looked awesome on  
(18) him. And I asked him who did your hair.  
(19) And he goes -- gave me the name of the  
(20) girl who did his hair. And I asked I said  
(21) can I get a number so I can have my son to  
(22) go to her and get his braids done.

(23) My wife does it for him and they're  
(24) horrible. His cousin does them for him  
(25) sometimes and they come out nice, but not

(1) H. NUNEZ  
(2) compared to the way Steve Blaise had them.  
(3) So I asked him for the phone number of  
(4) the girl that did his hair.  
(5) MR. MCGAHA: That's all I have.  
(6) MS. MASSIMI: Okay, wonderful.  
(7) No further questions.  
(8) (Time noted: 6:06 p.m.)  
(9)  
(10)

-----  
HENRY NUNEZ

(11)  
(12) Signed and subscribed to before me this  
(13) day of , 20\_\_.  
(14)

(15) Notary Public, State of New York  
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INDEX TO TESTIMONY

NAME	EXAMINATION BY	PAGE
HENRY NUNEZ	JESSICA S. MASSIMI, ESQ.	5
HENRY NUNEZ	GABRIEL P. MCGAHA, ESQ.	153

EXHIBITS

PLAINTIFF	DESCRIPTION	PAGE
1	FED EX DOCUMENT	99
2	VIDEO	129
3	VIDEO	143



[Page 160]  
February 27, 2024

(1)

(2)

C E R T I F I C A T E

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I, MARYELLYN FEILER, hereby certify that the Examination of said witness named in the foregoing transcript was held before me at the time and place herein named; that said witness was duly sworn before the commencement of the testimony; that the testimony was taken stenographically by myself and transcribed under my direction, that the party was represented by counsel as appears herein;

That the within transcript is a true record of the Examination of said witness;

That I am not connected by blood or marriage to any of the parties; that I am not interested directly or indirectly in the outcome of this matter; that I am not in the employ of any of the counsel.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day February of, 2024.



MARYELLYN FEILER

[Page 161]  
February 27, 2024

(1) **ERRATA SHEET FOR: HENRY NUNEZ**

(2) **HENRY NUNEZ, being duly sworn, deposes and**  
(3) **says: I have reviewed the transcript of my**  
(4) **proceeding taken on 02/27/2024. The following**  
(5) **changes are necessary to correct my testimony.**

(5)	PAGE	LINE	CHANGE	REASON
(6)	----	----	-----	-----
(7)	----	----	-----	-----
(8)	----	----	-----	-----
(9)	----	----	-----	-----
(10)	----	----	-----	-----
(11)	----	----	-----	-----
(12)	----	----	-----	-----
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(20)	----	----	-----	-----
(21)	----	----	-----	-----
(22)	----	----	-----	-----

(23) **Witness Signature: \_\_\_\_\_**

**Subscribed and sworn to, before me**  
(24) **this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.**

(25) **(NOTARY PUBLIC) MY COMMISSION EXPIRES**

February 27, 2024

[Page 162]

<b>A</b>	49:14	<b>African (2)</b>	94:16,20	<b>answers (2)</b>
<b>a.m (1)</b>	<b>accusations (8)</b>	12:21,22	102:23	6:14 7:5
126:8	30:23 31:2,6	<b>afros (1)</b>	103:24	<b>antiblack (5)</b>
<b>Abate (1)</b>	31:19 47:22	138:20	153:22 154:2	136:14,21,24
85:17	47:25 48:4,5	<b>afternoon (2)</b>	154:14	137:4,21
<b>ability (2)</b>	<b>accused (9)</b>	5:22 126:9	<b>alleging (2)</b>	<b>anticipate (1)</b>
10:4 17:6	46:5,11,18,22	<b>afterward (1)</b>	76:6 79:20	6:21
<b>able (18)</b>	66:17,18 86:9	69:6	<b>allow (7)</b>	<b>apologize (4)</b>
17:24 19:15	119:19,22	<b>against- (1)</b>	5:14 93:4	108:8 110:25
28:11 29:15	<b>accusing (2)</b>	1:6	101:20 103:3	111:3,5
31:18 35:13	26:9 121:9	<b>agent (1)</b>	104:20 119:6	<b>apologized (1)</b>
44:24 49:9	<b>act (1)</b>	109:14	134:14	108:11
55:16 63:15	91:6	<b>agents (4)</b>	<b>allowed (1)</b>	<b>apparent (4)</b>
63:19 70:22	<b>activity (6)</b>	106:4 108:16	140:16	43:24 44:5,12
77:20 95:15	105:15,16,22	108:19 109:7	<b>Almeda (3)</b>	115:5
100:19	110:9,10,12	<b>aggressive (1)</b>	126:10,11,15	<b>appear (2)</b>
104:16,18	<b>actor (1)</b>	87:17	<b>altercation (...)</b>	19:15 50:18
143:14	123:17	<b>aggressor (2)</b>	53:6 84:4,5,19	<b>appearance (4)</b>
<b>above-menti...</b>	<b>Adamol (4)</b>	86:2,6	85:2,12,22	25:13 26:5,7
1:20	95:23 96:6,9	<b>ago (6)</b>	86:13 87:21	137:18
<b>accept (1)</b>	96:18	65:18 93:24	97:23	<b>appeared (1)</b>
5:14	<b>Adamol's (1)</b>	95:12 100:4	<b>Alternata (2)</b>	152:19
<b>acceptable (2)</b>	96:22	154:9,20	113:9 117:3	<b>appearing (2)</b>
8:15 131:15	<b>additionally ...</b>	<b>agree (3)</b>	<b>America (1)</b>	19:23 40:20
<b>accident (3)</b>	18:15 34:20	35:20 43:15	115:7	<b>appears (5)</b>
66:19 88:16,21	<b>address (8)</b>	155:4	<b>American (2)</b>	31:22 130:16
<b>accidentally (1)</b>	5:11,20 8:10	<b>agreed (7)</b>	12:21,22	143:18
53:10	28:9 52:5	3:3,6,8,12 4:2	<b>amount (1)</b>	144:19
<b>accommodat...</b>	132:8,17	43:13 134:14	106:10	160:12
43:2,16	142:8	<b>ah (1)</b>	<b>Angel (1)</b>	<b>applied (3)</b>
<b>accommodat...</b>	<b>addressed (1)</b>	7:8	149:7	58:3,11,12
52:13	153:12	<b>ahead (1)</b>	<b>anger (1)</b>	<b>applies (1)</b>
<b>accommodat...</b>	<b>adequate (2)</b>	20:10	54:19	65:13
43:9 70:19	7:15,17	<b>airport (1)</b>	<b>answer (24)</b>	<b>apply (1)</b>
<b>account (4)</b>	<b>adjourn (1)</b>	56:19	6:20,24 7:6 8:7	59:8
29:21 30:3,5	24:5	<b>alcohol (1)</b>	8:16,17,20	<b>appreciate (1)</b>
30:19	<b>administer (1)</b>	10:7	15:3,4,6 18:3	34:23
<b>accurate (1)</b>	3:10	<b>allegation (11)</b>	18:3,16,17	<b>approval (1)</b>
141:19	<b>administerin...</b>	76:19 100:10	19:7,8 29:9	90:21
<b>accurately (4)</b>	3:18	100:23 101:7	39:21 44:25	<b>approximate...</b>
9:7,24 10:5	<b>admitted (1)</b>	102:2,6,7,11	46:3,3 77:7	146:13
17:7	36:10	104:4,7 123:6	78:5 90:11	<b>area (4)</b>
<b>accusation (4)</b>	<b>afraid (1)</b>	<b>allegations (9)</b>	<b>answering (1)</b>	17:10 52:4
48:19 49:10,11	26:19	76:2 92:18	109:14	55:17 104:18

February 27, 2024

[Page 163]

<b>areas (5)</b> 71:19,20 82:14 82:15 137:23	<b>attacked (1)</b> 95:20	83:19 98:8 156:16,19	<b>baseball (1)</b> 131:5	77:21 79:20 85:13 111:17
<b>arrested (1)</b> 53:12	<b>attempt (1)</b> 7:24	<b>awesome (1)</b> 157:17	<b>based (4)</b> 23:6 64:9 85:7 137:5	114:22 115:18,23 116:5 117:9
<b>asked (13)</b> 8:19 20:17,19 20:22 56:23 102:13,14 110:18 132:24 153:19 157:18,20 158:3	<b>attempting (2)</b> 23:5 34:23	<b>B</b>	<b>basic (1)</b> 24:10	121:16 125:6 126:21 149:17 153:10
<b>asking (27)</b> 16:8,22 18:18 20:23,24 27:17 29:12 29:20 30:2,4 30:8,18,20 31:17 33:4 36:11 37:19 40:24 41:4,9 42:14 46:2,4 48:12 77:11 78:7 141:2	<b>attend (1)</b> 54:19	<b>B (1)</b> 2:9	<b>basically (2)</b> 67:10 89:8	<b>believed (1)</b> 120:13
	<b>attended (1)</b> 54:18	<b>B-L-I-A-S-E ...</b> 12:17	<b>basing (2)</b> 76:23 77:2	<b>belt (42)</b> 68:5 71:16,22 72:5,6,11,23 72:25 73:4,5 73:6,8,9,10 73:13,14,20 73:23 74:6,8 74:10,13,15 74:24,25 75:4 75:5 81:23,24 81:25 82:2,3 82:4,11,15 83:4,7 99:6 111:14,16,22 111:24
	<b>attention (1)</b> 15:11	<b>B-L-I-S (1)</b> 12:17	<b>basis (1)</b> 141:20	<b>belt's (1)</b> 74:13
	<b>attorney (13)</b> 2:3 4:3 5:23 9:15 10:14 24:11 27:12 69:18 133:9 141:21 142:6 143:15 144:21	<b>back (35)</b> 8:5 13:23 15:9 17:12 19:13 21:13,18 28:12 45:5 49:2 57:2 69:3,5,7 70:25 71:4,5 71:6 75:3,4 84:7,9 93:21 105:18 106:8 106:18 107:3 108:18 109:13 110:20 126:19 141:6 141:11 149:23 150:4	<b>Bate (2)</b> 130:5,12	<b>belts (8)</b> 71:13,19,21 73:2,7 81:22 82:13,16
	<b>attorney's (1)</b> 10:17		<b>bear (1)</b> 4:6	<b>berated (1)</b> 22:25
	<b>attorneys (5)</b> 2:3,8 22:18 27:9 50:23		<b>bearing (5)</b> 100:2,5 130:11 143:9 146:14	<b>best (1)</b> 109:12
	<b>audible (1)</b> 18:11		<b>began (1)</b> 97:24	<b>bias (3)</b> 136:14 137:4 137:22
<b>aspect (1)</b> 84:21	<b>audio (7)</b> 14:5 35:10 50:11,13,14 131:10 155:22	<b>bad (4)</b> 41:16 114:20 118:10 123:17	<b>beginning (4)</b> 89:24 111:21 118:6,8	<b>bias' (1)</b> 137:3
<b>ass (3)</b> 139:16,17,19		<b>ban (2)</b> 137:14 138:20	<b>begins (1)</b> 101:7	<b>bigger (1)</b> 100:18
<b>assaulted (1)</b> 95:19		<b>Bank (1)</b> 60:20	<b>behalf (3)</b> 5:15 45:14 92:15	<b>binder (2)</b>
<b>assertion (1)</b> 23:15	<b>Augusto (9)</b> 85:17 86:10 93:17 96:7,11 97:24 98:9,11 98:14		<b>behave (1)</b> 149:19	
<b>assessment (1)</b> 17:5		<b>Bankers (1)</b> 60:19	<b>behavior (1)</b> 103:7	
<b>associated (4)</b> 137:6,9,16 138:9	<b>authorized (1)</b> 3:10	<b>banter (4)</b> 13:24 128:20 128:20 155:24	<b>belief (1)</b> 141:20	
<b>assume (4)</b> 27:14 57:5 64:24 115:22	<b>Automotive (...)</b> 55:8		<b>believe (31)</b> 24:20 30:9 31:2,7 32:15 32:25 33:24 34:14 38:9 39:16 41:3,16 41:21 48:4 49:10 77:4,12	
<b>assuming (2)</b> 79:14 95:11	<b>Avenue (1)</b> 5:21			
	<b>aware (4)</b>			

February 27, 2024

[Page 164]

65:15 66:8 <b>bitch (4)</b> 128:12 129:5 146:18,23 <b>black (42)</b> 36:22,24 37:10 37:12,15,22 38:8,12,14,15 38:25 39:13 39:16 46:7,9 46:12 49:18 49:21 50:2 76:8,9 107:12 107:16,19 112:12 115:7 115:24 116:6 116:8 121:7 127:4,9,10,11 129:3 131:4 136:15 137:7 137:9,16,19 138:17 <b>blacks (15)</b> 31:12 36:17,21 37:9 38:4,10 38:13,17,22 39:6,10 50:3 50:8,9,18 <b>blade (1)</b> 95:22 <b>Blaise (27)</b> 13:11,23 128:23,25 130:18,19 136:7 138:12 140:22 141:23 142:10,14 144:13 145:13,15,20 146:22 149:13,25 152:10 155:12,15	156:6,22 157:13,16 158:2 <b>Blaise's (4)</b> 136:7 139:8 141:22 142:8 <b>Blaze (1)</b> 12:15 <b>blood (1)</b> 160:15 <b>BMW (4)</b> 127:4,9,10,12 <b>Bobell (6)</b> 87:4,6 88:8 97:6 147:20 147:22 <b>born (2)</b> 51:6,7 <b>bought (2)</b> 127:7,9 <b>box (1)</b> 85:21 <b>boxes (1)</b> 99:8 <b>Bradley (2)</b> 125:25 126:4 <b>braided (2)</b> 140:4,8 <b>braids (6)</b> 138:14,20 140:8 157:10 157:11,22 <b>break (7)</b> 8:13,18 20:25 22:22 44:18 44:21 106:18 <b>breakfast (1)</b> 152:3 <b>bring (5)</b> 75:3 106:3 108:18 109:13 134:7 <b>bringing (1)</b> 152:3	<b>Brooklyn (5)</b> 55:10 71:14 82:2,3 95:3 <b>brought (1)</b> 15:11 <b>Brownsville ...</b> 95:5 <b>Building (1)</b> 2:9 <b>bullet (13)</b> 100:12,22 101:6,11,15 101:18,19,25 102:6,9,10,21 103:11 <b>bumping (1)</b> 86:9 <b>business (1)</b> 5:20 <b>busted (2)</b> 56:10,20 <b>buying (1)</b> 127:4 <hr/> <b>C</b> <hr/> <b>C (3)</b> 2:2 160:2,2 <b>cage (1)</b> 124:23 <b>call (10)</b> 27:18,20,22 28:7,8 44:19 44:21 78:19 89:6,7 <b>called (10)</b> 28:5 74:21 80:7 108:24 113:21 114:7 116:14 120:12 121:4 128:11 <b>calling (1)</b> 146:22 <b>calls (1)</b>	109:15 <b>camera (21)</b> 19:13,15,18,19 19:20,21,24 21:10,12 23:22 24:12 34:6,7,20,24 35:5,9 40:21 40:22,23 48:20 <b>Campbell (69)</b> 1:4 5:24 11:16 11:21 15:17 36:20 38:21 39:15 45:13 46:18 48:11 48:13,16 67:23 68:3,21 71:8 77:4,13 77:21 78:24 79:17 80:21 80:24 81:2,7 81:15 82:4 83:11,20 84:18 85:13 86:9 91:20,24 92:9,19,24 94:17,21 99:12 105:9 105:11 107:7 108:12,25 113:3,7 114:7 115:12 116:15,19,21 117:4,10,14 117:16 118:3 120:8,10,15 120:25 126:6 126:16,25 153:22 154:3 154:4,13 <b>Campbell's (...)</b> 11:15 12:3 14:8 15:23	28:19 45:14 50:19 76:2,6 81:19,23 82:22 86:20 87:2,5,8 91:16 92:3 93:13 105:6 121:7 <b>cancelled (1)</b> 56:16 <b>cap (5)</b> 131:5 144:15 145:13,14 151:19 <b>car (7)</b> 115:10 126:18 127:2,2,7,9 127:15 <b>care (3)</b> 22:14 32:4 157:12 <b>case (12)</b> 1:7 5:16,25 16:14 28:19 58:25 59:4 65:2 67:19,22 76:3 83:14 <b>Caucasian (1)</b> 119:15 <b>caught (1)</b> 152:17 <b>cause (16)</b> 18:22 29:18 44:18 56:19 83:5 98:24 103:19 105:9 105:13 109:7 111:13 117:18 127:7 132:17 133:25 151:8 <b>certain (1)</b> 148:2 <b>certainly (1)</b>
--	--	---	---	---

February 27, 2024

[Page 165]

43:13 <b>certifications...</b> 55:23 <b>certify (1)</b> 160:3 <b>CHANGE (1)</b> 161:5 <b>changes (1)</b> 161:3 <b>character (2)</b> 156:13,14 <b>characteristi...</b> 137:5 <b>child (1)</b> 23:2 <b>choice (1)</b> 99:5 <b>choose (2)</b> 17:2 22:12 <b>chubz (1)</b> 142:20 <b>circumstanc...</b> 53:3,4 <b>circumstanc...</b> 66:15 88:12 <b>citizen (1)</b> 51:8 <b>City (14)</b> 53:24 62:14 81:25 112:8 112:23 121:12 136:19,23 137:10,13,25 138:5,15,23 <b>civil (1)</b> 4:9 <b>claim (1)</b> 69:16 <b>claiming (5)</b> 29:14 30:19 46:6,10 103:22 <b>clandestinely...</b>	27:3,13 <b>Class (1)</b> 52:20 <b>classes (1)</b> 54:20 <b>clean (1)</b> 118:19 <b>cleaning (1)</b> 118:18 <b>clear (2)</b> 42:12 90:11 <b>clearly (1)</b> 35:15 <b>clerk (1)</b> 28:6 <b>client (1)</b> 18:14 <b>close (1)</b> 21:18 <b>closely (2)</b> 137:8 138:9 <b>coach (4)</b> 18:20 35:24 36:2,5 <b>coaching (3)</b> 31:23,24 35:25 <b>college (1)</b> 55:11 <b>color (1)</b> 125:17 <b>comb (1)</b> 157:15 <b>combined (2)</b> 62:17,19 <b>come (14)</b> 33:9 72:25 75:4 81:18 91:19 105:18 106:18 107:3 118:19 128:19 141:4 150:24 151:2 157:25 <b>comes (2)</b>	99:5 122:24 <b>coming (1)</b> 110:20 <b>commence (1)</b> 45:14 <b>commencem...</b> 160:8 <b>comment (7)</b> 107:6,10 124:15,17,18 125:7 136:15 <b>commentary...</b> 64:16 <b>commenting ...</b> 136:6 <b>comments (10)</b> 64:13,19,23 65:7,10 92:23 93:5 107:12 108:5 123:18 <b>Commission ...</b> 136:20 137:11 137:14 138:2 138:6,16,24 161:25 <b>committed (1)</b> 123:7 <b>company (1)</b> 142:12 <b>compared (2)</b> 110:6 158:2 <b>compensatio...</b> 69:11,16,20,23 <b>compensator...</b> 69:24 <b>complain (3)</b> 81:10 107:21 107:24 <b>complainant ...</b> 102:12,13,14 102:17 <b>complained (7)</b> 52:9 80:2 81:15 92:6	113:4,8 127:14 <b>complaining ...</b> 79:17 108:5 <b>complaint (44)</b> 11:19,21,23 12:3 14:9,13 14:18 15:23 16:6,9,25 17:2 28:19,22 29:2 30:9,24 31:3 38:2,21 38:24 39:9,11 45:10,12,20 45:25 46:5,15 46:20 47:5,10 47:16,17,20 50:19 92:12 114:14,16 120:18,22 121:25 123:24 124:5 <b>complaints (3)</b> 81:8 92:3,15 <b>complete (3)</b> 6:19,23,24 <b>comply (1)</b> 61:13 <b>condition (1)</b> 9:22 <b>conduct (3)</b> 4:6 22:19 25:15 <b>conducted (2)</b> 3:14 59:19 <b>conducts (2)</b> 22:4,10 <b>conference (6)</b> 1:14,19 3:14 3:20 4:7 9:14 <b>confirming (1)</b> 3:19 <b>connected (1)</b> 160:15	<b>conscious (1)</b> 137:3 <b>consent (2)</b> 3:21 27:8 <b>consider (1)</b> 90:10 <b>considered (4)</b> 3:21 83:8,11 118:2 <b>constitute (3)</b> 61:20 64:16,20 <b>consumed (2)</b> 10:2,7 <b>contact (1)</b> 92:8 <b>contained (2)</b> 101:19,25 <b>content (1)</b> 116:12 <b>contents (4)</b> 100:22 101:10 101:15 102:10 <b>context (5)</b> 104:19 121:16 156:22 157:4 157:7 <b>continue (4)</b> 7:16 16:15 23:12 43:11 <b>continuing (1)</b> 43:21 <b>control (3)</b> 3:17 13:10 152:8 <b>controversial...</b> 17:10 <b>conversation...</b> 6:18 104:3 148:25 155:10 <b>conversation...</b> 18:13 24:14 148:16
--	---	--	--	---

February 27, 2024

[Page 166]

<b>convicted (2)</b> 52:16 53:14	147:16 150:13	71:8 128:17 146:5	26:6	151:22
<b>conviction (7)</b> 52:21,24 53:5 53:19,23 54:5 54:14	153:24 154:6 156:17 161:3	<b>course (1)</b> 40:8	<b>Cross (1)</b> 2:9	<b>dates (1)</b> 112:21
<b>convictions (2)</b> 53:21 54:16	<b>correctly (2)</b> 82:18 139:20	<b>court (34)</b> 1:2 3:11,15,17 3:19 6:4,13 6:16,22 7:3,9 7:19 8:4 11:24 12:4 17:15 19:4 27:19,20,22 28:5,9,14 35:15 44:6,20 44:22 45:3 49:5 54:18 70:3,6 99:21 135:3	<b>CSA (5)</b> 106:4 108:16 108:19 109:7 110:20	<b>David (3)</b> 126:10,11,15
<b>copy (2)</b> 4:3,8	<b>costs (1)</b> 4:6	<b>could've (2)</b> 83:2 112:2	<b>cultural (2)</b> 137:6 138:10	<b>day (14)</b> 75:12 95:20 108:14,14 118:18 145:18 154:19,22 155:3,8 157:17 158:13 160:21 161:24
<b>corn (2)</b> 138:19 140:3	<b>counsel (9)</b> 2:8 3:3,13,15 4:5 28:8 135:2 160:11 160:19	<b>counseling (1)</b> 54:20	<b>current (4)</b> 51:22 58:21,23 59:24	<b>decided (1)</b> 91:4
<b>CORPORA...</b> 1:9 2:7	<b>counter (1)</b> 109:16	<b>courtroom (1)</b> 9:18	<b>currently (5)</b> 52:3 57:5,8 60:9 96:22	<b>decision (3)</b> 87:25 88:3 152:21
<b>correct (78)</b> 8:9 12:4 14:10 14:11 16:3 28:20,21,23 28:24 29:3,4 29:22 30:3,6 30:7 38:4,11 38:17,22 43:6 45:7,8,10,11 45:18,22 48:8 49:12,19 50:19 54:14 57:6 58:2,22 66:3 75:17,21 75:22 78:25 79:18 83:15 83:16 89:23 90:9 93:17,20 93:23,25 94:4 94:24 102:24 102:25 104:11,12,14 116:8 117:7 117:11 119:4 121:5,7,12 123:18 134:3 134:11,16 140:7 144:13 144:14,21 145:23,25	<b>country (1)</b> 114:23	<b>cousin (1)</b> 157:24	<b>curse (12)</b> 128:10 147:12 147:15,20,22 148:8,10,14 148:18,22 149:2,9	<b>deem (1)</b> 143:5
	<b>couple (8)</b> 21:6 73:21,23 128:9 130:20 136:12 142:23 152:11	<b>COVID (8)</b> 83:3,6,17 111:11,12,15 117:21 118:9	<b>cursed (3)</b> 146:25 147:6,7	<b>deemed (3)</b> 100:6 129:18 135:17
	<b>courier (37)</b> 12:19 57:23,25 58:5,8,18,20 68:4,7,15,18 68:20,22,25 70:23 71:2,5 71:6 72:2,13 72:14,19,22 74:25 82:9 91:5 96:14 105:12,21 109:8,9 113:14 124:9 124:9 126:11 128:16 145:23	<b>coworkers (1)</b> 67:13	<b>custodial (3)</b> 13:9,10 152:8	<b>defendant (4)</b> 75:16,20 131:12 133:8
		<b>CPLR (2)</b> 3:13 4:7	<b>customers (1)</b> 109:17	<b>defendant's (1)</b> 21:23
		<b>cracking (4)</b> 128:19 141:12 150:6 151:2	<b>cut (7)</b> 15:8,16,19 95:21 105:6,7 106:8	<b>Defendants (2)</b> 1:10 2:8
		<b>create (2)</b> 23:5 24:6	<b>cutter (1)</b> 85:21	<b>degree (1)</b> 55:20
		<b>credit (1)</b> 61:3	<b>D</b>	<b>degrees (1)</b> 55:22
		<b>credits (4)</b> 55:11,14,17 60:23	<b>daily (2)</b> 110:7 137:23	<b>deliver (1)</b> 105:14
		<b>criticism (1)</b> 42:3	<b>damages (1)</b> 69:24	<b>deliveries (1)</b>
	<b>couriers (3)</b>	<b>criticizing (4)</b> 25:12,15 26:4	<b>DANIEL (1)</b> 2:11	
			<b>date (5)</b> 13:7 86:17,18 104:10	



February 27, 2024

[Page 167]

73:18 <b>delivering (1)</b> 105:17 <b>delivery (1)</b> 97:16 <b>depending (1)</b> 73:2 <b>depends (9)</b> 75:11 89:3 90:7 91:6 116:11 123:11,12,13 123:13 <b>depicted (4)</b> 12:12 13:17 140:17,22 <b>deposed (5)</b> 4:8 6:2 32:10 32:14 33:11 <b>deposes (1)</b> 161:1 <b>deposing (1)</b> 32:10 <b>deposition (41)</b> 3:9,14 4:7 6:9 8:6,14,24,25 10:20 11:2,11 12:7,10,14 14:3,6,10 16:12,19,21 17:20 19:10 20:4,5,15 21:25 22:16 24:17 25:16 35:19 36:7,9 40:15 43:3,11 43:22 47:8 50:2,12,16 155:14 <b>depositions (5)</b> 17:24 18:9 22:4,20 23:19 <b>describe (5)</b> 67:7 80:16	118:5,13 127:17 <b>described (2)</b> 29:2 66:7 <b>description (2)</b> 139:22 159:10 <b>deserved (1)</b> 85:14 <b>desk (1)</b> 131:4 <b>Destroying (2)</b> 52:22,23 <b>details (3)</b> 84:25 85:3,4 <b>deter (2)</b> 40:17 44:14 <b>Deutsche (1)</b> 60:19 <b>different (10)</b> 35:3,11 71:13 71:15,19,19 71:20,21 77:11 145:17 <b>difficult (3)</b> 21:15,19 154:10 <b>direct (1)</b> 135:10 <b>directed (1)</b> 120:8 <b>direction (1)</b> 160:10 <b>directly (1)</b> 160:17 <b>disability (8)</b> 52:13 68:23,24 69:3,8 70:7 70:10 71:4 <b>disagree (1)</b> 134:21 <b>disagreeing (1)</b> 134:19 <b>discipline (1)</b> 90:25	<b>discovery (1)</b> 40:16 <b>discriminate...</b> 80:6,22 81:3 <b>discriminati...</b> 52:10 61:6,15 61:19,20 63:7 63:10,17,21 63:24 64:5,16 64:21 65:8,11 65:23 66:23 78:14 79:18 79:21,25 80:3 81:7,16 92:4 92:7 126:5 136:22 137:5 <b>discriminato...</b> 62:11 64:12 65:7 92:22 93:5 <b>discuss (5)</b> 5:25 14:14,19 47:12 144:8 <b>discussed (1)</b> 149:11 <b>discussion (4)</b> 27:25 99:17 156:21,25 <b>disrespected ...</b> 23:2 <b>disrespectful...</b> 25:10 <b>distinction (1)</b> 58:10 <b>distraction (1)</b> 23:6 <b>DISTRICT (2)</b> 1:2,2 <b>DMV (2)</b> 56:14,16 <b>dock (2)</b> 72:16,19 <b>document (20)</b> 16:11,23 29:8	29:10,11,16 30:17 31:16 46:16 99:15 99:23,25 100:3,4 104:19,24 130:9 154:25 155:3 159:11 <b>documents (5)</b> 11:10,13 12:6 47:7 48:10 <b>doing (21)</b> 13:21 23:7 27:15 32:5 36:12 41:24 42:4,7,8,21 62:7 71:3 73:18 79:11 105:22 106:6 106:6 109:10 109:23 110:7 150:3 <b>door (1)</b> 53:9 <b>draft (1)</b> 99:11 <b>drive (1)</b> 105:12 <b>driver (3)</b> 82:9,10 95:25 <b>driver's (1)</b> 55:25 <b>driving (2)</b> 56:18 115:9 <b>drove (1)</b> 127:2 <b>drugs (1)</b> 10:7 <b>duly (3)</b> 5:3 160:7 161:1 <b>Duratsy (3)</b> 124:8,14,22 <b>duties (1)</b>	70:23 <hr/> <b>E</b> <hr/> <b>E (7)</b> 2:2,2 5:2,2 52:20 160:2,2 <b>E-mail (4)</b> 23:20 88:20 131:11 142:24 <b>E-mailed (4)</b> 4:4 142:25 143:15 144:21 <b>E-mailing (1)</b> 134:25 <b>earlier (4)</b> 8:7 38:16 45:19 149:12 <b>early (5)</b> 95:13 141:10 150:4 151:22 151:25 <b>easily (2)</b> 127:21,24 <b>East (1)</b> 95:5 <b>EASTERN (1)</b> 1:2 <b>easy (1)</b> 74:14 <b>educated (1)</b> 139:2 <b>education (1)</b> 55:3 <b>EEO (5)</b> 92:11,15,17 99:12 104:6 <b>effect (2)</b> 3:10 107:16 <b>Eight (1)</b> 70:8 <b>either (7)</b> 21:11 66:17
---	--	---	---	---



February 27, 2024

[Page 168]

96:20 106:19 109:14 139:20 150:25 <b>Elmhurst (1)</b> 71:14 <b>embarrassin...</b> 22:5,6 <b>employ (1)</b> 160:19 <b>employed (6)</b> 57:8,12 83:20 83:21 102:12 154:4 <b>employee (14)</b> 66:17 88:15,25 92:23 94:13 96:16,17 100:23 102:2 102:7,11,15 103:5 128:11 <b>employees (1)</b> 100:9 <b>employer (1)</b> 57:10 <b>employment ...</b> 61:6 87:25 88:4 137:22 <b>enables (1)</b> 7:19 <b>enforcement ...</b> 60:15 <b>entertainme...</b> 156:8 <b>entire (4)</b> 39:20,24 48:10 74:13 <b>entirely (1)</b> 47:13 <b>entirety (1)</b> 46:16 <b>entrenched (1)</b> 137:2 <b>environment...</b>	67:8 <b>equal (1)</b> 94:13 <b>Eric (24)</b> 1:9 59:25 60:4 60:5 80:9,12 86:23,25 89:16,20 90:15,21 91:3 91:8 107:22 107:25 108:3 108:23 110:16 148:7 148:10,18,20 148:21 <b>ERRATA (1)</b> 161:1 <b>Especially (2)</b> 24:15 99:8 <b>ESQ (4)</b> 2:5,11 159:5,6 <b>essential (3)</b> 83:8,12 118:3 <b>essentially (2)</b> 150:12 156:6 <b>ethnic (1)</b> 138:10 <b>ethnicity (1)</b> 125:20 <b>event (2)</b> 22:8,15 <b>events (2)</b> 29:13 47:14 <b>everyday (1)</b> 118:19 <b>everyone's (1)</b> 25:3 <b>Ex (53)</b> 12:19,24 52:10 52:14 57:11 57:13,22 60:18 61:4,5 62:8,13 63:9 63:20,24 64:2	64:8,11,15,19 65:2,14 66:11 66:21 67:3,8 70:3,19 81:6 81:15 83:20 83:22 88:10 99:22 113:18 117:19 119:18,21 122:5 127:3 128:11 139:2 140:21 147:9 147:15 149:8 149:18 151:11,13,16 152:16 154:5 159:11 <b>Ex's (2)</b> 63:16 65:22 <b>exacerbate (1)</b> 137:21 <b>exact (6)</b> 52:5 56:6 82:24 86:17 86:18 111:25 <b>exactly (8)</b> 31:14 48:11,12 48:15 50:7 63:12 111:6 111:13 <b>Examination...</b> 1:16 5:7 153:17 159:4 160:4,14 <b>examined (1)</b> 5:5 <b>excuse (5)</b> 8:18 20:16,18 20:20 132:7 <b>excuses (1)</b> 107:17 <b>exhibit (12)</b> 4:3,4,5 99:20 99:22 100:7	129:18,20 130:11 135:18 143:7 143:12 <b>exhibits (3)</b> 4:2 155:14 159:8 <b>experience (3)</b> 72:10,12 78:8 <b>experiencing...</b> 78:14,17 <b>EXPIRES (1)</b> 161:25 <b>explain (5)</b> 71:10 103:6 109:22 156:25 157:9 <b>explained (4)</b> 56:11,23 102:15 110:19 <b>explanation (...)</b> 104:16,18 <b>explicit (1)</b> 136:24 <b>express (3)</b> 1:9 2:7 3:21 <b>expressing (1)</b> 15:18 <b>expressions (4)</b> 25:6,8,10 26:10 <b>extent (2)</b> 18:18 21:14 <hr/> <b>F</b> <hr/> <b>F (1)</b> 160:2 <b>face (1)</b> 35:8 <b>facial (4)</b> 25:5,8,9 26:10 <b>fact (10)</b> 42:18 80:4	93:19 109:6 115:25 116:8 123:7 132:22 139:3 156:4 <b>factual (1)</b> 123:2 <b>failed (2)</b> 10:10 56:9 <b>fair (2)</b> 58:25 142:3 <b>faith (7)</b> 33:2,4 34:3,10 34:15 41:17 41:23 <b>falls (1)</b> 90:4 <b>false (3)</b> 23:6 37:2,4 <b>falsely (1)</b> 121:9 <b>falsification (...)</b> 97:14,15 <b>Falsifying (1)</b> 97:16 <b>family (2)</b> 67:10,14 <b>far (5)</b> 7:21 9:3 23:15 24:18 96:3 <b>favor (1)</b> 142:3 <b>February (2)</b> 1:13 160:21 <b>FEC (3)</b> 100:2,5,5 <b>Fed (55)</b> 12:19,24 52:10 52:14 57:11 57:12,22 60:18 61:4,4 62:8,13 63:9 63:16,20,24 64:2,8,11,15 64:19 65:2,14
--	---	---	--	---

February 27, 2024

[Page 169]

65:22 66:10 66:21 67:3,8 70:3,19 81:6 81:15 83:20 83:22 88:9 99:22 113:18 117:19 119:18,21 122:5 127:3 128:11 139:2 140:21 147:9 147:14 149:8 149:18 151:11,13,16 152:16 154:5 159:11 <b>FEDERAL (2)</b> 1:9 2:7 <b>fee (1)</b> 22:24 <b>feel (4)</b> 8:13 61:16 62:6 147:24 <b>Feiler (4)</b> 1:21 28:11 160:3,23 <b>felony (5)</b> 52:17,19,20 53:21 54:13 <b>felt (1)</b> 48:18 <b>fight (3)</b> 84:4 95:6,16 <b>fighting (2)</b> 83:25 84:3 <b>fight (1)</b> 95:17 <b>figure (6)</b> 22:22 103:18 105:24 110:3 110:13 129:12 <b>file (1)</b> 92:11	<b>filed (4)</b> 11:24 12:3 45:13 92:14 <b>filing (1)</b> 3:4 <b>find (5)</b> 84:6,10,25 105:8 109:25 <b>finding (4)</b> 101:3,16 102:22 103:12 <b>fine (5)</b> 22:13,23 57:3 130:25 142:7 <b>finish (6)</b> 6:19 17:22 20:9 34:4,12 55:19 <b>fire (4)</b> 122:8,13,15 152:21 <b>fired (6)</b> 122:22 123:9 123:14,18 152:5,7 <b>firm (1)</b> 80:18 <b>first (17)</b> 5:3 47:21 57:23 72:13 72:18,21 88:13,13 100:9 116:3 128:25 143:22 144:12,20 150:22 151:25 156:18 <b>five (6)</b> 21:2 44:19 60:7,8,8 106:24	<b>fixed (1)</b> 56:13 <b>Floor (1)</b> 2:9 <b>Flores (1)</b> 149:7 <b>flow (1)</b> 75:7 <b>Floyd (4)</b> 112:10,11 114:8 115:3 <b>Floyd's (1)</b> 112:23 <b>follow (1)</b> 142:14 <b>following (4)</b> 69:15 112:23 156:9 161:2 <b>follows (1)</b> 5:6 <b>force (1)</b> 3:10 <b>foregoing (1)</b> 160:5 <b>form (78)</b> 3:7 15:2 16:5 30:15 31:4,8 31:11 37:5,16 38:19 39:3,8 39:12,18 46:14,20 49:15 50:20 63:25 64:6,17 64:22 65:3,8 65:10 77:18 77:23 78:22 79:13,23 85:8 85:15,18 86:11 87:10 87:15,18,22 90:22 92:5,25 93:6 98:4 107:8 108:10 112:19,24	113:22 114:2 114:10 115:16,20 116:2,10,17 116:23 120:24 121:14,18 122:3,10,18 122:23 123:10,19 125:3,8 126:23 127:22 128:8 128:13 129:6 136:14,17,22 147:17 148:23 149:20 <b>forth (4)</b> 13:24 141:6,11 150:4 <b>forward (2)</b> 16:15 23:12 <b>found (4)</b> 84:13 98:6 123:7 150:21 <b>four (4)</b> 71:18,20 73:2 73:7 <b>frame (11)</b> 19:16,18,19,20 19:22 21:17 23:22 34:24 40:11 42:20 48:20 <b>Frank (2)</b> 113:8 117:3 <b>free (2)</b> 25:2,23 <b>freight (9)</b> 74:19 75:2,6 98:15,18,21 98:24 99:5,6 <b>friend (2)</b>	141:7 150:8 <b>friends (1)</b> 150:2 <b>front (3)</b> 9:18 38:24 109:15 <b>fucking (3)</b> 129:5 146:18 146:23 <b>fully (4)</b> 9:7,23 10:4 18:6 <b>fun (1)</b> 150:13 <b>further (6)</b> 3:6,8,12 4:2 103:2 158:7
<hr/>				
<b>G</b>				
<hr/>				
<b>Gabriel (3)</b> 2:11 10:18 159:6 <b>Gardener (1)</b> 115:3 <b>geez (1)</b> 76:14 <b>gender (1)</b> 61:18 <b>gentleman (1)</b> 155:12 <b>George (4)</b> 112:10,11,23 114:8 <b>gestures (1)</b> 7:9 <b>gesturing (1)</b> 140:6 <b>getting (4)</b> 15:15,19 109:16 115:4 <b>GFT (1)</b> 154:15 <b>GFT'd (1)</b> 94:6				

February 27, 2024

[Page 170]

<b>girl (2)</b> 157:20 158:4	16:16 17:20 23:8,12,13	<b>graduated (1)</b> 55:5	37:1 38:1 39:1 40:1	125:1 126:1 127:1 128:1
<b>girlfriend (1)</b> 150:25	28:7 29:11 40:23 42:20	<b>Great (1)</b> 5:19	41:1 42:1 43:1 44:1	129:1 130:1 131:1 132:1
<b>give (19)</b> 13:14 46:2 52:5 70:15 77:20 90:24 91:2,23 98:20 105:3 130:23 135:10 141:16,18,23 141:25,25 142:5,23	44:7,14 73:8 89:22 95:20 105:4 106:11 106:17 112:7 112:22 114:4 141:11 146:4 150:4,5 153:6 155:24	<b>Grinch (1)</b> 145:17	45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1 55:1 56:1 57:1 58:1 59:1 60:1 61:1 62:1 63:1 64:1 65:1 66:1 67:1 68:1 69:1 70:1 71:1 72:1 73:1 74:1 75:1 76:1 77:1 78:1 79:1 80:1 81:1 82:1 83:1 84:1 85:1 86:1 87:1 88:1 89:1 90:1 91:1 92:1 93:1 94:1 95:1 96:1 97:1 98:1 99:1 100:1 101:1 102:1 103:1 104:1 105:1 106:1 107:1 108:1 109:1 110:1 111:1 112:1 113:1 114:1 115:1 116:1 117:1 118:1 119:1 120:1 121:1 122:1 123:1 124:1	133:1 134:1 135:1 136:1 137:1 138:1 139:1 140:1 141:1 142:1 143:1 144:1 145:1 146:1 147:1 148:1 149:1 150:1 151:1 152:1 153:1 154:1 155:1 156:1 157:1 158:1
<b>given (2)</b> 6:6 121:16	<b>gonna (21)</b> 6:12 18:12 19:9 22:25 31:21 39:19	<b>guess (7)</b> 61:23 62:2,7 121:24 125:5 140:2,14		
<b>giving (3)</b> 6:11 53:4 91:7	99:14,15 105:2 108:17	<b>guy (5)</b> 79:7 126:17		<b>ha (1)</b> 7:8
<b>glad (1)</b> 22:21	122:12,15 124:17,17,18	127:19 142:20 150:10		<b>Hacks (1)</b> 2:9
<b>glass (3)</b> 53:10,11,13	130:19,24 139:6,15	<b>guys (6)</b> 83:17 87:12 106:14 118:25 144:17 156:4		<b>hair (30)</b> 136:7,8,16 137:8,8,15,15 137:19 138:8 138:8,12,18 138:19 139:8 139:15,16,19 140:9,11,15 140:16,19,21 141:2 149:13 156:22 157:15,18,20 158:4
<b>Glendale (1)</b> 52:8	142:24 143:5			<b>half (2)</b> 62:21 75:9
<b>go (23)</b> 5:16 8:9 20:10 44:20 45:5 51:4 56:14,16 65:4 74:23 81:4 89:2 90:2 99:6 101:2 105:17 109:4,18 110:17,25 141:10 156:4 157:22	<b>good (18)</b> 5:22 33:2,4 34:3,10,15 41:22 44:18 67:25 78:11 78:12 80:15 96:17 127:19 141:7 149:25 150:8,10	<b>H</b> <b>H (155)</b> 5:1,2 6:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1		<b>hand (2)</b> 75:2 160:21
<b>goers (1)</b> 53:7	<b>gorilla (1)</b> 124:24			<b>handbook (3)</b> 65:13,16 66:6
<b>goes (3)</b> 73:12 91:11 157:19	<b>gotten (1)</b> 83:6			<b>handled (1)</b> 70:5
<b>going (31)</b> 6:21 13:23 16:13,14,15	<b>grabs (2)</b> 74:11,12			<b>hands (1)</b> 115:13
	<b>graduate (1)</b> 55:4			

February 27, 2024

[Page 171]

<b>happen (3)</b> 30:10 103:19 112:16	56:10,13	109:15	157:24	3:19
<b>happened (20)</b> 14:23 16:2 29:3 45:21,24 46:6,10,13 47:21 82:24 82:25 84:8 85:6 87:9 88:17 96:7 97:10 112:21 153:8 154:9	<b>healed (1)</b> 70:10	<b>helps (1)</b> 74:8	<b>hour (6)</b> 59:4 62:20,21 75:8,9 106:16	<b>immediate (1)</b> 103:5
<b>happening (1)</b> 34:17	<b>hear (28)</b> 7:19 8:2 17:20 17:25 18:25 19:3 21:15,20 23:21 34:5,21 34:24 35:5,7 35:14,16 85:20 86:8 87:16,20 97:22 103:15 119:25 121:15 131:9 135:16 136:6 146:17	<b>Henry (11)</b> 1:16 5:10 51:4 51:5 102:18 151:3 158:10 159:5,6 161:1 161:1	<b>hours (25)</b> 10:3,8 11:9 15:7,8,16,19 105:6,7,9,22 105:24 106:9 106:10,12 108:21 109:13,24,25 110:4,5,6,6 110:14,23	<b>impact (1)</b> 10:3 <b>implication (1)</b> 152:23 <b>implicit (1)</b> 136:25 <b>inaccurate (1)</b> 8:8 <b>inappropriat...</b> 67:16 128:3,6
<b>happens (2)</b> 89:10,25	<b>heard (26)</b> 19:25 23:16 24:4,7,13,16 78:20 85:7,24 86:3,5,14,19 93:19 114:11 117:13 120:6 147:19,22 148:8,10,13 148:18,21 149:2,12	<b>hereunto (1)</b> 160:20	<b>House (1)</b> 2:8	<b>Inaudible (1)</b> 131:21
<b>harassing (1)</b> 64:13	<b>hearing (7)</b> 18:6 34:7 35:3 47:22 84:15 121:24 139:20	<b>hey (1)</b> 87:9	<b>HR (14)</b> 59:20,23 80:7 80:25 81:4 89:7,19 90:4 90:5 120:12 121:4,4 122:14 154:12	<b>incident (4)</b> 6:11 47:11 93:16 96:10
<b>harassment (3)</b> 64:6,9 126:6	<b>heavy (4)</b> 12:23 74:18 75:12 99:8	<b>highest (1)</b> 55:2	<b>Human (8)</b> 62:14 136:20 137:11,14 138:2,6,16,24	<b>incidents (5)</b> 14:14,19,21,24 14:25
<b>hard (3)</b> 35:7 74:16 130:23	<b>held (6)</b> 1:19 27:25 57:19,21 99:17 160:5	<b>hire (1)</b> 25:2	<b>Humans (1)</b> 63:2	<b>incited (1)</b> 87:21
<b>Hardy (1)</b> 156:3	<b>help (4)</b> 74:5,10 92:11 106:4	<b>hired (8)</b> 58:7,14,16,17 68:4,14 69:2 88:13	<b>I</b>	<b>included (1)</b> 65:22
<b>harmless (1)</b> 150:13	<b>helping (1)</b>	<b>Hispanic (5)</b> 51:11,19 113:17 117:6 126:14	<b>I-E-E-O (4)</b> 94:12,13,16,20	<b>includes (2)</b> 137:4 138:17
<b>hate (1)</b> 107:18		<b>Hispanics (2)</b> 51:15 52:2	<b>idea (1)</b> 145:15	<b>Including (1)</b> 137:7
<b>head (17)</b> 7:7 23:24 31:22 32:3 36:11 40:3,6 40:22 41:4,6 41:10,12,19 42:15,17,18 42:19		<b>home (3)</b> 67:12 110:2 119:3	<b>identificatio...</b> 99:24 129:21 143:13	<b>incomplete (1)</b> 8:8
<b>heading (4)</b> 100:13,23 101:4,7		<b>honest (1)</b> 96:3	<b>identified (1)</b> 130:3	<b>incorrectly (1)</b> 94:11
<b>headings (1)</b> 101:2		<b>honesty (1)</b> 17:7	<b>identities (1)</b> 138:10	<b>INDEX (1)</b> 159:2
<b>headlight (2)</b>		<b>hoodie (1)</b> 114:4	<b>identity (1)</b>	<b>indicate (1)</b> 103:22
		<b>hope (1)</b> 151:7		<b>indicated (1)</b> 35:16
		<b>horrible (1)</b>		<b>indicates (1)</b> 101:19
				<b>indirectly (1)</b> 160:17
				<b>individual (8)</b>

February 27, 2024

[Page 172]

61:22 64:20 64:23 101:22 103:4 104:21 136:25 148:3 <b>individual's (...)</b> 64:9 <b>individuals (1)</b> 84:22 <b>inform (1)</b> 89:21 <b>information ...</b> 23:14 91:3,8 101:18,25 <b>informs (1)</b> 79:12 <b>initially (1)</b> 132:13 <b>injured (3)</b> 73:16,17 74:14 <b>injury (8)</b> 66:19 69:9,15 70:10,12,15 70:20,24 <b>innocent (2)</b> 115:4,4 <b>inquiry (1)</b> 17:11 <b>inside (1)</b> 109:14 <b>insidious (1)</b> 136:21 <b>Instagram (1)</b> 142:17 <b>instance (3)</b> 143:22 144:20 147:19 <b>intent (1)</b> 23:5 <b>interested (5)</b> 32:17,21 33:19 44:2 160:17 <b>interlude (1)</b> 19:12 <b>intermittentl...</b>	40:20 <b>interpret (1)</b> 7:10 <b>interrupting ...</b> 16:12,18,20 17:9 26:3,9 33:22 41:21 <b>interview (7)</b> 58:7,14,15 59:14,15,16 59:19 <b>investigate (5)</b> 89:5,9,10 122:25 123:4 <b>investigation...</b> 89:25 90:6 92:18 122:12 123:5 <b>investigative ...</b> 101:3,16 102:22 103:12 <b>involved (4)</b> 53:6 87:24 88:21 122:14 <b>Island (1)</b> 81:25 <b>issue (9)</b> 22:9 23:18 24:10 70:15 93:12 132:16 132:21 150:9 152:25 <b>issues (4)</b> 28:10 96:20 98:8,11 <hr/> <b>J</b> <b>Jeffrey (3)</b> 124:8,14,22 <b>Jessica (4)</b> 2:3,5 5:23 159:5 <b>job (11)</b>	57:17,21 60:17 60:24 61:3 66:13 93:13 99:4 109:7,9 119:5 <b>joined (1)</b> 60:17 <b>joke (1)</b> 121:10 <b>jokes (5)</b> 67:3 128:19 141:12 150:6 151:2 <b>joking (4)</b> 128:16,18 141:3,7 <b>Jose (2)</b> 96:13,16 <b>judge (4)</b> 9:19 22:11 28:6 42:17 <b>July (1)</b> 111:23 <b>June (5)</b> 111:18,19,20 111:21,23 <b>jury (3)</b> 53:15,16,17 <b>justify (1)</b> 110:10 <hr/> <b>K</b> <b>keep (4)</b> 7:14 9:22 106:17 138:21 <b>Kenneth (1)</b> 97:4 <b>kept (3)</b> 84:22,23 141:9 <b>Kevin (89)</b> 1:4 5:24 46:18 50:19 67:23 77:21,25 78:8	78:10,13,19 78:24 79:17 81:19,22 82:4 82:22 84:18 86:9,20 87:2 87:5,8,16,20 91:16,24 92:3 92:24 93:12 93:17 94:6,17 94:21,23 96:7 96:10 97:24 98:9,12,14,15 98:17 99:12 105:5,6,9,10 107:13,15,21 107:24 108:8 108:11,25 109:18 111:4 113:3,7,21 114:7 117:4 117:10,14,16 119:19,22 120:2,2,8,10 120:15,25 121:7,10,10 123:23 124:3 124:15,22 126:6,16,25 127:17,20 153:22 154:3 154:4,13 <b>Kevin's (3)</b> 87:25 88:4 111:8 <b>keying (1)</b> 127:14 <b>kick (1)</b> 53:9 <b>kicked (1)</b> 53:10 <b>kid (3)</b> 95:16,18 114:3 <b>kids (1)</b> 51:12	<b>killed (3)</b> 114:5,8 115:5 <b>kind (2)</b> 43:17 96:16 <b>knee (7)</b> 70:2,13,14,23 73:16,17 112:13 <b>knots (1)</b> 138:20 <b>know (166)</b> 7:24 8:3,9,25 13:2,6,7,8 20:12 23:23 24:24 26:23 27:5,6 38:23 40:5 48:11 49:17 61:24 64:25 65:20 67:5,9,17,18 67:20,21,23 68:10,13 73:23 75:18 76:25 77:19 77:19 78:6,23 78:24 79:2 80:18 81:6,12 81:14 82:6 83:21,23 85:11 86:2,12 86:16 88:3 90:3,6,8 91:10 92:14 92:17,20 94:3 94:6,8,9,10 94:11,14,23 95:18,23 96:4 96:13 97:2 100:16 101:12 102:9 103:11 105:5 105:20 106:5 106:5 109:19 109:20,22
---	--	--	--	--

February 27, 2024

[Page 173]

110:19 111:5 111:6 112:9 112:10,22 113:3,7,10,10 113:12,13,20 113:24 114:6 115:3,5,8,11 116:14,18,19 116:24,24,25 117:10,12 119:12,18,21 119:25 121:13 123:2 123:14,14,15 123:20 124:4 124:13,21 126:3,15,25 127:10,13,23 127:23,24 128:10 131:23 133:3 133:5 135:5 135:13 136:19 137:10,13,25 138:5,15,23 141:19 142:8 142:10,17 143:2 144:3 146:10 147:10,18 149:15,24 150:18,22 151:4,13,16 151:17,19,21 151:22 154:9 154:19 156:20 <b>knowing (2)</b> 27:4,11 <b>knowledge (5)</b> 6:6 63:22 64:6 69:22 82:14 <b>known (2)</b>	77:25 116:21 <b>knows (3)</b> 22:3 82:10 116:7 <hr/> <b>L</b> <hr/> <b>labor (1)</b> 58:25 <b>laptop (5)</b> 21:8,9,11,19 23:17 <b>largest (1)</b> 21:11 <b>late (3)</b> 43:3 44:13 133:19 <b>Laurel (1)</b> 156:3 <b>law (5)</b> 2:3 3:22 60:14 62:15 63:2 <b>lawsuit (10)</b> 6:11 15:18 17:5 45:15 50:24 69:14 69:24 75:17 79:16,21 <b>lawyer (1)</b> 70:4 <b>lazy (3)</b> 108:21 109:5 110:22 <b>learn (2)</b> 82:7,13 <b>leave (1)</b> 109:10 <b>lectured (1)</b> 32:14 <b>lecturing (1)</b> 32:16 <b>left (2)</b> 93:13 108:23 <b>legal (1)</b> 11:18	<b>legally (1)</b> 27:9 <b>LegalView/Z...</b> 3:16 <b>length (1)</b> 130:6 <b>let's (9)</b> 33:14 35:19,20 44:20 45:5 75:7 106:24 107:3 140:21 <b>letter (1)</b> 91:5 <b>letting (1)</b> 44:9 <b>level (3)</b> 55:2 63:23 146:3 <b>Lexitas (1)</b> 3:17 <b>LGA (3)</b> 81:24 82:17,20 <b>license (6)</b> 55:25 56:21 57:2,4 105:13 127:8 <b>licenses (1)</b> 55:23 <b>lie (1)</b> 77:25 <b>lied (2)</b> 78:3,4 <b>life (1)</b> 37:15 <b>line (2)</b> 90:4 161:5 <b>listen (8)</b> 79:7 108:20 109:19,20 110:21 135:25 139:11 151:6 <b>listened (1)</b> 146:11	<b>litigate (1)</b> 16:14 <b>litigation (4)</b> 3:23 4:9 23:13 143:9 <b>little (6)</b> 19:5,12 140:2 140:3,4,9 <b>live (2)</b> 116:15,22 <b>lives (2)</b> 116:19,25 <b>living (1)</b> 137:24 <b>load (2)</b> 72:8,15 <b>loaded (2)</b> 71:25 72:2 <b>loader (3)</b> 72:3,20,20 <b>loading (2)</b> 152:16,17 <b>locate (1)</b> 44:25 <b>located (3)</b> 55:9 66:6 101:16 <b>location (3)</b> 68:16,19,21 <b>locations (1)</b> 3:16 <b>locks (1)</b> 138:19 <b>long (15)</b> 11:8 39:23 57:12,19 60:5 62:21 63:4 65:18 70:7 73:6,14 81:25 93:24 110:11 115:13 <b>longer (3)</b> 82:22 96:15 97:11	<b>look (8)</b> 12:20 65:5 66:25 100:8 126:17 140:3 146:7 155:25 <b>looked (1)</b> 157:17 <b>looking (1)</b> 144:8 <b>looks (6)</b> 104:13,15 140:2,4,9 143:23 <b>Lorenzi (7)</b> 113:4,8,13,20 114:6 115:11 117:6 <b>loss (3)</b> 13:9,9 152:8 <b>lost (2)</b> 66:19 152:25 <b>lot (5)</b> 63:5,7 72:20 99:4 118:16 <b>loudly (1)</b> 157:8 <b>love (2)</b> 156:2,4 <b>loved (3)</b> 155:25 156:11 156:12 <b>low (1)</b> 19:5 <b>lying (5)</b> 77:5,13,15,21 154:22 <b>Lysol (1)</b> 118:17 <hr/> <b>M</b> <hr/> <b>ma'am (39)</b> 6:3,5,8 51:9,13 51:17,21,23 53:20,22
---	--	--	--	---



February 27, 2024

[Page 174]

54:17,21,23	<b>man (3)</b>	10:8	103:15,17	31:24 32:4,8
54:25 55:6,12	112:12 115:24	<b>mark (1)</b>	106:14 107:3	32:9,12,13,17
55:21,24 56:2	116:6	131:4	129:17,22	32:20,22 33:3
56:4 57:7,9	<b>man's (1)</b>	<b>marked (10)</b>	130:4,8	33:6,7,10,13
57:11,14,16	116:8	4:2 99:19,23	131:11,18,22	33:14,18 34:2
57:23 59:2	<b>management...</b>	100:6 129:18	131:25 132:5	34:9,18 35:2
60:10,13,16	54:19 58:3	129:21	132:11,15,19	35:10,13,18
60:25 61:14	80:17	130:10	133:2,7,12,16	35:20,25 36:5
67:4,6,17	<b>manager (42)</b>	135:17 143:6	133:20,23	37:5,16 38:19
85:16 86:7	57:18 58:7,8	143:13	134:3,7,11,16	39:3,8,12,18
88:11 93:2	58:20 59:9,20	<b>marriage (2)</b>	134:18,23,25	40:5,10,25
<b>MaGaha (10)</b>	59:21 61:2	51:22 160:16	135:9,24	41:5,8,15,18
40:2,12 41:2	66:10 68:5	<b>married (2)</b>	142:22 143:5	41:20,25 42:4
43:12,24	71:2 80:8,13	51:16,20	143:21 144:3	42:6,9,11,25
50:22 91:16	81:24 82:2,12	<b>Maryellyn (3)</b>	144:6,11	43:7,15,19,20
131:19	82:22 88:5,14	1:21 160:3,23	145:3,6,10	44:2,15 46:14
132:20	88:18,19,25	<b>Masks (1)</b>	153:14,19	49:15 50:20
142:25	89:2 90:2,24	118:17	157:3 158:6	63:25 64:17
<b>maintain (3)</b>	90:25 91:9	<b>Maspeth (1)</b>	159:5	64:22 65:3
138:8,18 146:3	96:25 97:2,8	5:21	<b>matter (3)</b>	77:18,23
<b>maker (1)</b>	102:18 103:2	<b>Massimi (121)</b>	133:14,17	78:22 79:13
117:16	111:9 113:12	2:3,5 5:8,13,19	160:18	79:23 85:8,15
<b>making (20)</b>	123:11,12	5:23 13:14	<b>matters (1)</b>	85:18 86:11
16:21 21:22	125:11,11	16:7,24 17:17	4:9	87:10,15,18
22:7 26:10,11	126:2 145:24	18:5,24 19:9	<b>Maurice (1)</b>	87:22 90:22
35:7 42:6	146:2 149:4	20:8,10,13,17	5:20	91:18 92:5,25
43:8 64:12	<b>managers (15)</b>	20:19,22 21:3	<b>McGaha (207)</b>	93:6 98:4
106:9,10,12	59:23 65:17	22:3 23:2,4	2:11 5:14,18	100:17
107:17 110:5	81:21 82:5,7	25:7,11,17	10:18,19,25	103:16
121:10	82:16,19	26:2,8,13,16	11:18 15:2,5	106:24 107:8
123:18 134:9	84:12,14 91:4	26:20,23 27:6	16:5,7,20,25	108:10
143:24	126:7 147:15	27:18,23 28:3	17:18 18:2,21	112:19,24
150:20	148:13 149:2	31:20 32:2,8	18:24 19:2,6	113:22 114:2
151:15	149:19	32:12,15,19	19:11,19 20:2	114:10
<b>Malebranch...</b>	<b>manifest (1)</b>	32:23 33:6,13	20:8,9,11,14	115:16,20
91:24 92:21	137:2	33:16,21 34:4	20:16,18,20	116:2,10,17
93:3,8,10	<b>manner (1)</b>	34:11 35:6,18	20:25 21:5	116:23
94:15 101:24	3:20	35:22 36:3,9	23:4 25:5,9	120:24
104:14	<b>manual (4)</b>	40:2,7,12	25:11,14,23	121:14,18
153:21 154:2	65:20,21 66:8	41:2,7,13,20	26:3,6,8,12	122:3,10,18
154:12,18,21	89:3	42:2,5,9,23	26:14,18,22	122:23
155:2	<b>March (1)</b>	43:6,12,19,23	26:25 27:17	123:10,19
<b>mall (2)</b>	117:24	44:4,8,17,24	27:21 30:15	125:3,8
108:17 109:4	<b>marijuana (1)</b>	49:2 99:14,19	31:4,8,11,20	126:23

February 27, 2024

[Page 175]

127:22 128:8 128:13 129:6 129:24 130:7 131:16,21,23 132:4,7,8,12 132:18,21 133:5,10,14 133:18,21,25 134:5,9,14,17 134:20,24 135:7 136:17 139:10 142:25 143:4 143:17,23 144:5,10,23 145:5,8 147:17 148:19,23 149:20 153:16,18 157:5 158:5 159:6 <b>McGaha's (1)</b> 19:20 <b>mean (33)</b> 36:19 63:4 67:10 71:20 71:23 73:8 74:22 76:10 77:2 90:17,23 93:7 95:18 104:17 109:21 110:8 115:2,8 116:3 116:13 118:15 122:8 122:16 123:2 123:13,17 125:9 128:2,9 141:22 147:4 152:9 154:3 <b>meaning (2)</b> 8:19 156:12 <b>means (1)</b>	74:23 <b>meant (2)</b> 72:23 102:14 <b>mechanic (9)</b> 119:10,11 120:2,7 121:5 121:9 123:21 123:25 124:6 <b>media (3)</b> 142:15 155:22 156:8 <b>medication (2)</b> 10:2,11 <b>meet (1)</b> 10:19 <b>meeting (12)</b> 3:17 11:4,8 21:25 22:8 26:19 41:11 41:14 84:14 86:19,21,23 <b>meetings (1)</b> 84:13 <b>member (1)</b> 60:14 <b>members (1)</b> 67:14 <b>memorandu...</b> 104:10 <b>memory (6)</b> 16:10 17:4,4 29:12 30:21 31:18 <b>Memphis (1)</b> 2:10 <b>men (1)</b> 115:3 <b>mental (1)</b> 9:21 <b>mention (4)</b> 27:16 78:13,16 153:10 <b>mentioned (2)</b> 18:8 153:11	<b>mess (1)</b> 44:7 <b>messed (1)</b> 157:14 <b>met (2)</b> 10:24 50:23 <b>Michael (2)</b> 125:25 126:4 <b>midyear (2)</b> 82:25,25 <b>might've (1)</b> 153:10 <b>military (1)</b> 60:11 <b>mind (1)</b> 22:24 <b>mine (3)</b> 141:8 144:23 150:9 <b>Mineola (2)</b> 53:25 54:2 <b>minimum (2)</b> 106:12 110:4 <b>minutes (3)</b> 21:2 44:19 106:25 <b>misconstrue...</b> 153:11 <b>missing (8)</b> 98:15,18,21,24 104:17 152:13,14 153:7 <b>misspeak (1)</b> 139:13 <b>mistake (1)</b> 149:22 <b>moments (1)</b> 100:4 <b>Monte (5)</b> 87:4,6 88:8 97:6,10 <b>month (1)</b> 118:10	<b>months (3)</b> 70:8 73:15 88:17 <b>Monty (4)</b> 147:19,21,22 148:3 <b>morning (9)</b> 43:8 84:13 141:4,5,11 150:4 151:23 152:2 156:15 <b>mother (4)</b> 129:4 146:18 146:23 150:25 <b>motive (1)</b> 77:20 <b>move (3)</b> 7:18 21:12 33:14 <b>moved (8)</b> 40:25 81:23,25 82:3,5,17 111:13,16 <b>movie (2)</b> 53:7,8 <b>multiple (2)</b> 20:23 24:21 <b>murder (1)</b> 112:23 <b>must've (1)</b> 110:24 <hr/> <b>N</b> <hr/> <b>N (4)</b> 2:2 5:2,2,2 <b>name (19)</b> 5:9,10,22 10:17 12:16 13:11 51:4 67:18,21 115:25 116:9 116:12 119:12	125:23 142:12,17 149:6 157:19 159:4 <b>named (2)</b> 160:4,6 <b>Nan (14)</b> 91:23 92:21 93:3,8,9 94:15 101:24 104:13 153:21 154:2 154:11,18,20 155:2 <b>narrative (1)</b> 23:7 <b>nation (1)</b> 136:23 <b>natural (5)</b> 136:16 137:8 137:15 138:8 138:18 <b>nature (4)</b> 67:25 75:13,15 119:5 <b>necessarily (1)</b> 123:17 <b>necessary (1)</b> 161:3 <b>neck (1)</b> 112:13 <b>need (17)</b> 6:19 7:14 8:13 8:23 17:17,24 18:19 23:14 24:5 30:17 48:17 49:7 70:18 74:10 80:19 106:22 110:25 <b>needed (2)</b> 123:24 155:16 <b>needs (3)</b> 18:10 91:10
---	---	---	---	---



February 27, 2024

[Page 176]

129:24	121:12	141:14,24,24	78:1 79:1	159:6 161:1,1
<b>negatively (1)</b>	136:19,23	142:5 143:10	80:1 81:1	<b>Nunez's (1)</b>
136:15	137:10,13,25	144:24 145:4	82:1 83:1	16:16
<b>negotiation (1)</b>	138:5,7,15,23	146:15	84:1 85:1	
24:9	158:15	157:21 158:3	86:1 87:1	<b>O</b>
<b>neighborhoo...</b>	<b>newest (1)</b>	<b>numbers (1)</b>	88:1 89:1	<b>o'clock (5)</b>
52:7 95:4	21:9	142:2	90:1 91:1	43:4,14 107:4
<b>neighboring ...</b>	<b>news (5)</b>	<b>Nunez (173)</b>	92:1 93:1	134:2,15
72:3,8	84:16 112:25	1:17 5:1,10,22	94:1 95:1	<b>O-L-C-C (1)</b>
<b>neither (1)</b>	114:17,21	6:1 7:1 8:1	96:1 97:1	98:20
144:5	115:2	9:1 10:1 11:1	98:1 99:1	<b>oath (6)</b>
<b>never (49)</b>	<b>nice (1)</b>	12:1 13:1	100:1,3 101:1	3:10,18 6:7
14:23 15:25	157:25	14:1 15:1	102:1,18	9:10,16,17
29:3 37:6,7	<b>nicknames (1)</b>	16:1 17:1	103:1,3 104:1	<b>object (71)</b>
37:14 45:21	51:2	18:1 19:1	105:1 106:1	15:2 16:5
45:24 46:6,10	<b>nodding (1)</b>	20:1 21:1	107:1 108:1	30:15 31:4,8
46:12,19,23	36:10	22:1 23:1,15	109:1 110:1	31:11 37:5,16
47:20 49:20	<b>nods (1)</b>	24:1 25:1	111:1 112:1	38:19 39:3,8
49:23 59:3	7:7	26:1 27:1	113:1 114:1	39:12,18
66:24 70:5	<b>non (2)</b>	28:1,16 29:1	115:1 116:1	46:14 49:15
76:24,25 78:3	1:17 27:9	30:1 31:1	117:1 118:1	50:20 63:25
78:4 79:22,24	<b>Nonresponsi...</b>	32:1 33:1	119:1 120:1	64:17,22 65:3
81:9 85:9,9	30:11 103:14	34:1 35:1	121:1 122:1	77:18,23
85:24 86:3,5	<b>normal (1)</b>	36:1,13 37:1	123:1 124:1	78:22 79:13
88:16 92:6	6:18	38:1 39:1	125:1 126:1	79:23 85:8,15
93:4,7,7	<b>normally (1)</b>	40:1 41:1	127:1 128:1	85:18 86:11
101:20 103:3	10:11	42:1 43:1	129:1 130:1	87:10,15,18
104:20	<b>Notary (4)</b>	44:1 45:1,5	131:1 132:1	87:22 90:22
114:11	1:21 5:4	46:1 47:1	133:1 134:1	92:5,25 93:6
116:25	158:15	48:1 49:1	135:1,16	98:4 107:8
147:19,22	161:25	50:1 51:1	136:1 137:1	108:10
148:10,21	<b>noted (1)</b>	52:1 53:1	138:1 139:1	112:19,24
150:9 152:18	158:8	54:1 55:1	140:1 141:1	113:22
152:19	<b>notes (1)</b>	56:1 57:1	142:1 143:1	114:10
153:25	105:4	58:1 59:1	143:15 144:1	115:16,20
<b>new (29)</b>	<b>November (1)</b>	60:1 61:1	145:1 146:1	116:2,4,10,17
1:2,15,15,22	104:11	62:1 63:1	146:11 147:1	116:23
2:4,4 5:5 27:7	<b>number (24)</b>	64:1 65:1	148:1 149:1	120:24
52:6 53:24	21:8,21,22	66:1 67:1	150:1 151:1	121:14,18
55:10 62:14	100:10,24	68:1 69:1	152:1 153:1	122:3,10,18
62:25 95:5	101:3,16	70:1 71:1	153:19 154:1	122:23
102:13 112:8	102:3,7,11,22	72:1 73:1	155:1 156:1	123:10,19
112:22	103:12 130:5	74:1 75:1	157:1 158:1	125:3,8
117:22	130:13	76:1 77:1	158:10 159:5	126:23

February 27, 2024

[Page 177]

127:22 128:8 128:13 129:6 136:17 147:17 148:23 149:20 <b>Objection (2)</b> 114:2 148:19 <b>objections (1)</b> 3:6 <b>obligation (7)</b> 4:7 81:4 120:9 120:18 122:2 122:4 146:2 <b>observe (1)</b> 13:21 <b>OCC'd (1)</b> 91:5 <b>occasion (3)</b> 10:24 66:11,16 <b>occur (1)</b> 82:21 <b>occurring (1)</b> 80:4 <b>offense (1)</b> 134:4 <b>offensive (1)</b> 65:10 <b>offer (6)</b> 20:2,3 21:23 22:7 104:16 104:18 <b>offering (1)</b> 22:15 <b>office (5)</b> 108:24 128:19 141:5 149:5 151:25 <b>officer (5)</b> 3:9,18 56:10 56:21 112:13 <b>offices (1)</b> 148:17 <b>oh (2)</b>	141:22 155:23 <b>okay (53)</b> 5:17 6:9 12:2 13:11 16:17 18:2 19:9 25:2 27:21 32:19 33:13 35:18,23 40:18 41:2,25 42:5,9 47:14 50:22 53:3 54:2 55:16 56:25 58:9 59:8 62:8 63:20 65:21 75:25 91:12 100:11,20 101:13 103:8 121:22 123:21 124:20 125:21 126:3 130:7,16,19 130:21 131:7 133:16 134:23 135:16 142:7 144:10 145:8 145:22 158:6 <b>OLCC (1)</b> 98:24 <b>old (2)</b> 52:25 54:10 <b>once (8)</b> 10:23 56:12 59:12 89:19 89:19 108:11 127:8 150:21 <b>ones (5)</b> 24:15 105:14 105:18 106:3 110:3 <b>ongoing (1)</b> 8:25	<b>open (2)</b> 53:9 124:23 <b>operation (2)</b> 58:20 96:25 <b>operations (4)</b> 57:18 59:9 97:2 102:17 <b>opinion (2)</b> 76:21 118:22 <b>opportunity ...</b> 94:14 100:21 101:14 <b>ordered (1)</b> 54:19 <b>outcome (1)</b> 160:18 <b>overwhelmin...</b> 99:9 <hr/> <b>P</b> <hr/> <b>P (7)</b> 2:2,2 105:14 105:18 106:3 110:2 159:6 <b>p.m (4)</b> 1:13 28:8 134:12 158:8 <b>PA (1)</b> 105:16 <b>pack (1)</b> 110:9 <b>package (2)</b> 73:10 152:11 <b>packages (20)</b> 72:7,25 73:4 74:5,6,10,23 75:8,9 97:16 97:17 109:16 152:12,13,15 152:18,19,24 153:5,6 <b>page (4)</b> 100:9 159:4,10 161:5	<b>paid (1)</b> 57:3 <b>pain (1)</b> 69:25 <b>pandemic (3)</b> 117:21 118:7,8 <b>paperwork (8)</b> 11:14,16 15:13 38:6 39:20 45:6,9 85:11 <b>paragraph (6)</b> 46:16 48:10,15 48:17 49:8 50:7 <b>PARALEGA...</b> 2:11 <b>parallel (1)</b> 73:7 <b>parents (1)</b> 51:25 <b>parole (2)</b> 54:4 57:6 <b>part (14)</b> 8:2 17:4 62:6 62:10 66:12 71:17 82:17 89:15 94:16 94:19 99:3,3 116:3 135:17 <b>participated ...</b> 67:2 <b>participating...</b> 3:16 <b>particular (5)</b> 147:25 154:19 154:22 155:3 155:8 <b>parties (6)</b> 1:18 3:4,13,21 4:6 160:16 <b>party (5)</b> 1:17 4:8,8 27:8 160:11 <b>Pasqualicchi...</b>	125:10,13,23 126:4 <b>PAUL (1)</b> 2:11 <b>pay (1)</b> 53:13 <b>paying (1)</b> 22:24 <b>peas (4)</b> 140:2,3,5,9 <b>peasy (4)</b> 139:16,19,24 157:15 <b>pending (1)</b> 8:16 <b>people (46)</b> 36:22,24 37:10 37:12,15,23 38:8,12,14,15 39:16 46:8,9 46:12 49:18 49:21 50:3 61:16 65:15 65:20,21 66:8 66:8 67:9,11 67:15 78:19 79:5,6,7 89:3 90:18 95:19 107:13,16,19 115:4,4,7 117:18 118:19 119:2 137:9,16 138:17 155:25 <b>people's (1)</b> 142:2 <b>perceived (1)</b> 125:5 <b>perfectly (2)</b> 8:15 27:9 <b>perform (1)</b> 70:22 <b>performance...</b>
--	---	--	--	--

February 27, 2024

[Page 178]

93:13	155:20 158:3	55:19	66:6,12	47:7 50:12,16
<b>performed (1)</b>	<b>phonetic (8)</b>	<b>play (1)</b>	137:21	<b>prescription ...</b>
123:5	85:17 95:24	130:20	<b>policy (13)</b>	10:11
<b>period (1)</b>	97:5 113:5,9	<b>playing (4)</b>	63:9,11,16,18	<b>present (3)</b>
71:7	124:8 126:10	131:2 135:15	64:8,11,15,19	3:13 93:16,18
<b>permissible (1)</b>	149:7	136:3 137:23	65:5 66:22	<b>presented (1)</b>
134:13	<b>photographs...</b>	<b>plea (1)</b>	122:6,17	4:4
<b>permission (3)</b>	50:15,17	53:14	123:16	<b>presenting (1)</b>
141:17,22,23	<b>physical (4)</b>	<b>please (36)</b>	<b>Polish (4)</b>	4:3
<b>permitted (1)</b>	9:21 25:12	5:9,11 8:8	125:14,15,18	<b>pretending (1)</b>
119:3	26:5,7	13:15 16:11	125:20	133:3
<b>perpetuate (1)</b>	<b>pick (5)</b>	16:18 17:8,12	<b>portion (6)</b>	<b>pretty (2)</b>
137:18	25:3 106:2	17:22 18:20	8:23 17:14	80:15 118:21
<b>persistent (1)</b>	108:16 109:3	19:12 26:8	28:13 45:2	<b>previously (4)</b>
136:22	109:4	33:5,21 34:4	49:4 135:25	15:10 140:10
<b>person (26)</b>	<b>picked (9)</b>	34:18 36:3	<b>position (6)</b>	140:14 143:8
11:5,7 27:4,10	76:9,12,20	40:3 41:4,20	58:21,23 59:17	<b>prior (9)</b>
27:11 43:16	77:5,8,9,13	42:22 43:10	65:14 72:17	4:5 8:10 15:17
62:5 74:11	77:22 109:19	44:8 48:20,25	75:13	23:19 47:15
79:4,8,9,12	<b>picks (1)</b>	100:8 101:2	<b>positions (1)</b>	49:25 89:23
84:18,18	62:5	101:10 135:4	72:21	104:6,8
90:12,16	<b>pictures (1)</b>	135:10,11,13	<b>possession (1)</b>	<b>prison (1)</b>
94:24 96:3	90:6	135:24	4:4	53:18
97:20 116:7	<b>pieces (2)</b>	141:16 143:2	<b>possible (2)</b>	<b>private (2)</b>
116:13 123:8	75:11,12	146:7	7:18 154:11	52:22,23
127:18	<b>place (1)</b>	<b>plural (1)</b>	<b>posting (1)</b>	<b>privately (1)</b>
130:16 131:3	160:6	39:13	156:7	23:20
147:11	<b>plaintiff (12)</b>	<b>PM (3)</b>	<b>power (2)</b>	<b>probably (5)</b>
<b>person's (2)</b>	1:5 2:3 5:24	125:11 126:2,7	105:15 110:9	104:22 106:15
74:7 136:15	21:24 22:12	<b>point (17)</b>	<b>practices (1)</b>	128:5,10
<b>personal (2)</b>	58:24 59:4	44:18 81:18	137:6	129:7
78:7 127:2	67:18,21	89:18 98:9	<b>prankster (1)</b>	<b>probation (3)</b>
<b>personally (4)</b>	143:9 144:24	100:12 101:6	145:21	54:4,6 57:6
125:6 134:4,6	159:10	101:11,15,18	<b>precautions (...)</b>	<b>problem (3)</b>
149:21	<b>plaintiff's (11)</b>	101:19 102:2	118:16	21:3 22:11
<b>Peter (7)</b>	99:20,22 100:7	102:6,9,10,21	<b>precinct (1)</b>	114:23
113:4,8,13,20	129:18,20	103:11	56:12	<b>procedure (2)</b>
114:6 115:11	130:11	154:16	<b>premised (2)</b>	66:22 88:24
117:6	135:18 143:7	<b>Poland (1)</b>	34:16 41:23	<b>proceed (4)</b>
<b>phone (9)</b>	143:12 145:4	125:19	<b>preparation ...</b>	19:10 27:19
11:5 109:15	146:14	<b>police (1)</b>	10:20,25 11:11	35:19,21
141:14,24	<b>plaintiffs (1)</b>	112:13	12:4,7,10,13	<b>proceeding (3)</b>
142:5 150:24	130:12	<b>policies (6)</b>	13:19 14:3,6	69:20,23 161:2
150:24	<b>plans (1)</b>	65:22,25 66:2	14:9 45:6	<b>process (3)</b>

February 27, 2024

[Page 179]

89:12,15 91:13 <b>produced (1)</b> 143:8 <b>production (5)</b> 130:12 143:10 144:24 145:4 146:15 <b>professional ...</b> 55:22 <b>professional...</b> 146:3 <b>profiled (2)</b> 76:8,10 <b>prohibit (1)</b> 63:20 <b>prohibitions ...</b> 137:7 <b>project (1)</b> 115:15 <b>projects (2)</b> 116:16,22 <b>promoted (2)</b> 68:8,12 <b>promotion (5)</b> 57:25 58:4,6 58:10,13 <b>proper (1)</b> 24:20 <b>properly (1)</b> 153:12 <b>property (4)</b> 52:22,23 66:19 121:11 <b>protect (1)</b> 138:7 <b>protesting (1)</b> 113:2 <b>protests (1)</b> 113:2 <b>proven (1)</b> 122:21 <b>provide (6)</b> 29:20 30:5,18	61:5,8 62:8 <b>provided (1)</b> 62:13 <b>Public (4)</b> 1:21 5:4 158:15 161:25 <b>Puerto (6)</b> 51:7,11,15,19 52:2 54:16 <b>pull (5)</b> 73:4,10,11,11 103:5 <b>pulled (3)</b> 56:17,19 85:21 <b>punch (1)</b> 105:19 <b>purport (1)</b> 22:19 <b>purports (1)</b> 138:6 <b>purpose (4)</b> 3:22 6:9 74:3 91:7 <b>purposes (3)</b> 130:10 135:18 143:6 <b>Pursuant (3)</b> 3:13 64:15,19 <b>push (1)</b> 74:9 <b>pushing (3)</b> 16:15 23:12 74:11 <b>put (10)</b> 11:22 14:21,24 19:12 42:12 68:5 72:14,15 73:5 124:23 <b>putting (4)</b> 152:10,15 153:4,5  <b>Q</b>	<b>quality (1)</b> 31:17 <b>Queens (4)</b> 5:21 52:6,7 95:2 <b>question (28)</b> 3:7 4:6 6:19,21 6:23 7:23,25 8:2,2,4,16,19 17:13 18:3 28:12 31:25 32:11,18 37:18 39:21 44:25 49:3 75:20 77:7,12 116:4 121:24 147:14 <b>questioning (2)</b> 4:5 106:16 <b>questions (18)</b> 6:10,12,14 7:7 9:3 33:15 36:12 42:22 124:19 129:11 130:21,24 131:14 136:4 136:13 153:15,20 158:7 <b>quickly (1)</b> 7:18 <b>quiet (4)</b> 84:22 148:3,5 148:6 <b>quote (6)</b> 38:4 107:16 124:18,23 126:16 136:21  <b>R</b> <b>R (3)</b> 2:2 5:2 160:2	<b>race (24)</b> 51:10,14,18,24 61:18 63:9,17 63:20,23 64:5 64:9,16,21 65:23 66:22 107:6,10 108:6 113:16 119:14 124:11 125:13 126:13 129:2 <b>races (1)</b> 51:24 <b>racial (5)</b> 65:8,11 67:3 138:9 150:10 <b>racially (4)</b> 64:12 65:7,10 67:16 <b>racism (11)</b> 64:3 114:22 116:11 120:17 122:6 122:17 123:6 123:8,16 136:21,24 <b>racist (18)</b> 115:18,23 116:5 120:11 120:14 121:3 121:17,21,23 122:20 123:9 123:18 124:14 125:2 125:5,7 126:21 137:18 <b>racists (1)</b> 122:9 <b>radio (1)</b> 126:18 <b>raised (4)</b> 17:23 23:18,19	23:25 <b>ran (1)</b> 56:21 <b>razor (1)</b> 95:22 <b>reach (2)</b> 74:12,15 <b>reaction (1)</b> 84:15 <b>read (25)</b> 8:5 17:12,15 28:12,14 29:13 30:6 31:3 38:6 39:19 45:3,23 46:4 48:10 49:2,5 63:18 65:5 84:11 85:7,9 97:22 100:15,22 101:10 <b>reading (4)</b> 36:15 49:11 50:10 114:13 <b>realize (2)</b> 8:6 56:14 <b>really (4)</b> 44:10 90:11 100:18 122:19 <b>reason (20)</b> 7:3 8:24 9:6 24:24 26:17 32:23 33:16 33:19,20,22 34:12 36:2 41:13 42:23 56:8 97:13 115:5 148:2 152:7 161:5 <b>reasonable (1)</b> 70:18 <b>reasons (1)</b> 24:21
---	--	---	--	---

February 27, 2024

[Page 180]

15:17 17:7	106:20	116:6 117:13	48:18 50:6,8	3:17
18:17 31:14	<b>recollection (...)</b>	128:24 129:4	82:23,24 83:2	<b>represent (1)</b>
31:18 36:15	14:13,18 17:6	<b>reference (1)</b>	86:17 93:22	5:24
36:23 37:17	47:11 112:15	113:24	95:10 98:6	<b>represented ...</b>
38:2 47:2,4	<b>record (43)</b>	<b>referred (3)</b>	104:2 109:18	10:14 160:11
47:15 48:24	5:9,12 6:15	49:25 50:2	111:11,13	<b>request (11)</b>
49:13,24	7:11 8:9	66:21	112:4,7,20	21:23 24:18,23
50:21 55:14	17:15,18	<b>referring (17)</b>	117:21 127:4	32:25 33:24
55:15 56:6,7	18:12,23	11:23 16:4	127:5,6	34:14,16
59:7 63:3,12	20:23,24 21:6	27:7 29:5,6	142:12 151:5	41:16,22,23
63:13 65:16	21:24 22:8,16	31:10 39:15	153:23	70:18
65:17,18	22:17,18	45:15 66:2	154:10	<b>requested (5)</b>
86:16,21 95:9	24:19,23	69:19 94:10	157:16	17:14 28:13
95:17 98:16	26:14 27:10	115:6 128:22	<b>remembered...</b>	45:2 49:4
102:4,8	27:13,24 28:2	129:15 130:2	14:22,25 15:12	52:12
103:25 104:2	28:4,14 32:5	149:3,15	<b>remote (1)</b>	<b>reserved (1)</b>
104:23,24,25	32:7,7 33:5	<b>refresh (3)</b>	3:15	3:7
107:9,11	41:8,11,14	14:13,18 47:10	<b>remotely (1)</b>	<b>reside (2)</b>
108:2 111:4,9	42:15 44:21	<b>regarding (11)</b>	3:18	52:3,4
111:18,25	45:3 49:5	4:5 61:6 62:9	<b>Ren (1)</b>	<b>resided (1)</b>
112:2,8,16,20	99:16,18	62:14 63:16	156:2	117:2
114:13 124:7	129:22 130:8	65:22 66:22	<b>repeat (2)</b>	<b>resolved (2)</b>
129:8 139:4,4	143:17	91:16,24 92:2	48:25 64:18	56:25 57:4
140:13,14	160:14	108:6	<b>repeated (2)</b>	<b>respect (1)</b>
148:15	<b>recorded (9)</b>	<b>regardless (1)</b>	24:18,22	43:10
151:21 153:3	3:20 20:5,6,6	146:4	<b>repeatedly (2)</b>	<b>respectful (1)</b>
153:4 154:17	32:24 33:17	<b>reinstated (1)</b>	24:21 34:22	43:20
155:7	33:23 34:13	57:4	<b>rephrase (1)</b>	<b>respective (2)</b>
<b>recalled (2)</b>	151:4	<b>related (9)</b>	7:25	1:18 3:4
15:22 47:16	<b>recording (11)</b>	50:23 53:19	<b>report (4)</b>	<b>respond (1)</b>
<b>recalls (1)</b>	3:20 12:9,13	54:4 69:8,14	88:22 120:9,19	43:17
18:19	14:5 26:19	70:19 94:16	122:2	<b>response (1)</b>
<b>receive (3)</b>	50:11 150:23	94:20 99:12	<b>reported (2)</b>	8:10
58:4 69:11	151:7 155:16	<b>relationship ...</b>	88:16 120:23	<b>responses (1)</b>
135:4	155:18	68:2 80:11,14	<b>reporter (20)</b>	16:17
<b>received (4)</b>	156:19	<b>religion (1)</b>	3:15,19 6:13	<b>restate (1)</b>
57:25 58:13	<b>recordings (1)</b>	61:18	6:16,22 7:4	8:3
135:6 143:19	50:14	<b>remain (1)</b>	7:10,19 8:4	<b>restrictions (1)</b>
<b>recess (4)</b>	<b>records (1)</b>	34:23	17:16 19:2,4	137:15
13:16 21:4	50:13	<b>remember (37)</b>	28:9,15 35:15	<b>restroom (1)</b>
44:23 107:5	<b>recycles (2)</b>	15:3,5,10,14	44:6 45:4	106:23
<b>recited (1)</b>	74:20,21	18:16 29:18	49:6 99:21	<b>retaliation (6)</b>
9:4	<b>refer (6)</b>	30:16 31:13	135:3	62:4,9 63:7
<b>recognize (1)</b>	66:11 115:24	39:24 48:7,15	<b>Reporting (1)</b>	64:3 66:23

February 27, 2024

[Page 181]

78:17	117:24	9:4	<b>scared (1)</b>	45:25 46:15
<b>return (1)</b>	118:25 119:3	<b>running (1)</b>	25:22	48:9,14,17
86:15	125:23 130:4	115:14	<b>schedule (2)</b>	49:7 63:18
<b>returned (3)</b>	138:17,21	<b>runs (2)</b>	28:7 43:10	85:10 100:12
70:9 86:17,18	142:11,12,19	80:19 91:10	<b>school (9)</b>	100:18,19
<b>review (16)</b>	142:21 147:2		55:4,5,7,8	101:4,8,22
11:10,13 12:6	147:4 149:14	<b>S</b>	60:25 61:2	102:19,20
12:9 14:2,5	149:15 152:5	<b>S (4)</b>	95:14,21	115:2 123:2
14:12,17 16:8	155:20	2:2,3,5 159:5	137:22	126:8 130:14
28:25 45:19	<b>rights (10)</b>	<b>safe (2)</b>	<b>screaming (1)</b>	143:14,21
47:6 50:11,15	62:15 63:2	118:21,22	151:2	144:12,17,25
66:12 101:15	136:20	<b>santa (1)</b>	<b>screen (5)</b>	145:5,6,8,12
<b>reviewed (18)</b>	137:11,14	145:18	18:7 99:15	<b>seeing (2)</b>
12:2,13 13:18	138:2,6,7,16	<b>saw (9)</b>	130:14 144:7	35:2 129:8
14:8 15:23	138:24	15:12,25 29:2	144:18	<b>seen (5)</b>
16:24 28:18	<b>Riley (1)</b>	39:10,14	<b>screened (1)</b>	23:16 24:3,7
28:22 45:6,9	119:13	45:20 85:7,9	144:19	24:12 76:24
45:10,12 47:6	<b>rise (2)</b>	112:25	<b>sealing (1)</b>	<b>sees (1)</b>
47:17,19	6:11 53:5	<b>saying (21)</b>	3:4	79:10
114:14 129:9	<b>road (3)</b>	7:8,20 15:20	<b>second (10)</b>	<b>sell (1)</b>
161:2	2:9 106:11	17:21,25	13:15 67:10	126:18
<b>reviewing (1)</b>	110:11	18:10,11 34:5	105:3 130:13	<b>send (8)</b>
47:15	<b>Rob (9)</b>	34:21,25	131:3 135:10	74:25 99:21
<b>revisit (2)</b>	119:10,13,25	36:25 46:12	143:2,11,18	110:2 132:9
8:23 9:2	120:7 121:5,9	46:19,23	146:8	132:14 133:8
<b>Rican (4)</b>	123:21,25	47:20 136:8	<b>seconds (11)</b>	133:11,15
51:11,15,19	124:5	139:8 146:17	135:12,13	<b>sending (1)</b>
52:2	<b>role (1)</b>	150:12	136:2,2	135:3
<b>Rico (2)</b>	91:12	155:25 156:6	142:23 144:2	<b>senior (6)</b>
51:7 54:16	<b>Romano (1)</b>	<b>says (13)</b>	144:4 146:8,8	59:20,21,23
<b>riding (1)</b>	96:13	100:9 101:3	146:13,14	80:13 82:7
102:17	<b>room (1)</b>	102:12	<b>section (4)</b>	91:9
<b>right (39)</b>	9:14	103:13,13	3:13 135:11	<b>sense (7)</b>
7:16 16:11	<b>rooted (1)</b>	104:19	146:9,12	6:25 7:12,21
29:11,12	137:17	135:19	<b>security (4)</b>	8:11,21 35:4
36:23 39:2	<b>route (3)</b>	142:19,20	89:7,20 90:5,5	105:23
40:21 44:17	72:8 82:8,11	144:23,25	<b>see (46)</b>	<b>sent (3)</b>
48:14 58:11	<b>routes (1)</b>	145:4 161:2	13:17 16:23	61:2 121:4
70:14 75:14	72:3	<b>scalp (1)</b>	17:18 21:13	143:19
75:19,23	<b>rows (2)</b>	140:7	21:20 29:16	<b>separate (1)</b>
89:24 95:12	138:19 140:3	<b>scanned (2)</b>	30:8,17,23	3:15
97:4,7 100:14	<b>rudely (1)</b>	152:13,19	31:16 40:6,8	<b>September (1)</b>
104:5 110:2	132:24	<b>scanning (1)</b>	40:11,13,14	54:11
110:17	<b>rules (1)</b>	153:5	40:15,18	<b>series (3)</b>



February 27, 2024

[Page 182]

6:12 127:11 153:20 <b>serve (1)</b> 53:18 <b>served (1)</b> 60:11 <b>service (2)</b> 3:17 5:14 <b>set (4)</b> 12:23 24:2,6 160:20 <b>seven (2)</b> 57:20 131:3 <b>shakes (1)</b> 7:7 <b>shaking (16)</b> 23:23 31:21 32:2 36:11 40:3,6,22 41:3,5,10,12 41:18 42:15 42:17,18,19 <b>share (1)</b> 99:16 <b>shared (2)</b> 144:18,19 <b>sharing (1)</b> 105:2 <b>SHARON (1)</b> 2:11 <b>shattered (1)</b> 53:11 <b>SHEET (1)</b> 161:1 <b>ship (1)</b> 80:20 <b>shit (3)</b> 128:9 131:8 135:19 <b>shocked (2)</b> 84:17,20 <b>shocking (3)</b> 48:5,18 49:10 <b>shot (1)</b>	144:7 <b>shouldn't've ...</b> 149:23 <b>show (12)</b> 16:10 17:2 22:11 29:8,10 29:11 42:16 56:15 99:14 139:6 156:14 156:15 <b>shower (4)</b> 144:15 145:13 145:14 151:18 <b>showing (4)</b> 99:25 100:3 129:14 130:9 <b>shown (1)</b> 153:4 <b>sick (2)</b> 119:7,8 <b>side (6)</b> 18:13 24:14 74:6,7,8 103:6 <b>sides (1)</b> 71:15 <b>Signature (1)</b> 161:23 <b>signed (3)</b> 3:9,10 158:12 <b>Simon (1)</b> 97:4 <b>simply (1)</b> 42:10 <b>simultaneous...</b> 19:16 <b>sincere (2)</b> 24:23,24 <b>single (1)</b> 82:10 <b>singled (6)</b> 76:15,19 77:6 77:10,14,22	<b>sir (7)</b> 23:9 30:12 37:19 48:19 99:25 141:20 145:12 <b>sister (1)</b> 102:16 <b>sit (2)</b> 47:25 149:4 <b>sitting (2)</b> 106:21 131:4 <b>situation (3)</b> 86:6 90:3,7 <b>six (2)</b> 60:8 95:19 <b>Skin (1)</b> 125:17 <b>slightly (1)</b> 77:11 <b>smack (2)</b> 131:8 135:19 <b>snitch (8)</b> 78:19,21,25 79:3,4,12 117:11,14 <b>social (3)</b> 142:14 155:22 156:8 <b>somewhat (2)</b> 14:16 85:3 <b>son (8)</b> 156:23 157:5,6 157:7,10,11 157:14,21 <b>sooner (1)</b> 106:25 <b>sorry (20)</b> 11:25 12:17 29:23,24 30:22 47:3 61:25 64:18 67:20,24 71:11 75:8 96:24 103:17	132:15 133:23 139:17 157:3 157:7,10 <b>sort (3)</b> 27:2 72:16,19 <b>sounds (1)</b> 27:15 <b>speak (18)</b> 44:10 86:25 87:4 89:16,19 89:19,20 91:15,19 92:2 94:15,19 101:21,24 102:5 103:4 104:21 108:4 <b>speaking (17)</b> 7:15,17 20:14 20:21 25:19 35:12,14 36:8 44:9 103:16 104:25 131:25 132:3 132:23,25 133:4,6 <b>specific (6)</b> 13:7 100:10,23 102:2,7,11 <b>specifically (2)</b> 29:7 84:20 <b>speeches (1)</b> 44:11 <b>spell (1)</b> 12:16 <b>Spence (1)</b> 97:4 <b>Spencer (1)</b> 95:23 <b>spend (1)</b> 67:11 <b>spitters (1)</b> 73:23 <b>split (5)</b>	72:6,23 73:11 73:14 75:5 <b>splitter (2)</b> 72:19 73:25 <b>splitters (6)</b> 73:21,24,24,25 74:2,4 <b>splitting (3)</b> 72:10,17 73:20 <b>spoke (8)</b> 28:6 94:3 103:23 153:21 154:11,19,21 155:2 <b>spoken (5)</b> 22:25 93:7,9 96:6 153:25 <b>sports (1)</b> 137:23 <b>sprays (1)</b> 118:18 <b>squeeze (1)</b> 48:22 <b>stage (1)</b> 154:15 <b>stamp (4)</b> 100:2,5 130:5 130:12 <b>stand (2)</b> 73:2,9 <b>standard (2)</b> 58:25 137:17 <b>standards (1)</b> 149:18 <b>standing (1)</b> 73:3 <b>start (6)</b> 43:2,7,13 132:19 134:2 134:15 <b>started (8)</b> 43:3 57:24 98:2 111:22
---	--	---	--	---

February 27, 2024

[Page 183]

111:24	95:20 96:2,14	<b>stop (24)</b>	158:12 161:23	<b>swing (3)</b>
133:19,20	97:8 106:4	16:11,18 17:8	<b>substance (1)</b>	82:9,10 95:25
134:12	113:14	20:23,24 26:2	49:13	<b>switch (1)</b>
<b>state (12)</b>	118:17,22,23	26:9 31:21	<b>substantiate...</b>	82:21
1:22 5:5,9,11	119:11	33:22 34:19	102:24	<b>switched (1)</b>
27:7,8 29:7	124:10	36:3 40:3	<b>sue (1)</b>	81:22
52:4 63:2	125:12	41:4,21 44:8	70:3	<b>sworn (7)</b>
124:17	126:12	105:2 108:21	<b>sued (3)</b>	3:9,11,18 5:4
138:22	151:23	109:5 110:22	54:22,24 75:23	160:7 161:1
158:15	<b>stay (2)</b>	111:8 145:7	<b>suffering (1)</b>	161:23
<b>stated (10)</b>	48:20 119:3	150:19	69:25	<hr/>
36:20 38:7	<b>steal (1)</b>	151:15	<b>suit (2)</b>	<b>T</b>
76:11 102:12	126:18	155:16	145:17,18	<b>T (3)</b>
102:15 103:3	<b>stealing (3)</b>	<b>stopped (1)</b>	<b>suitable (1)</b>	78:12 160:2,2
153:23,25	119:19,22	81:19	105:8	<b>tactics (3)</b>
154:18	121:11	<b>store (1)</b>	<b>sum (1)</b>	40:16 44:13,16
155:18	<b>stenographic...</b>	114:4	49:13	<b>taillight (1)</b>
<b>statement (23)</b>	160:9	<b>street (2)</b>	<b>summarize (4)</b>	56:20
16:22 21:6	<b>step (1)</b>	2:4 115:9	28:5 39:22	<b>take (20)</b>
34:12 36:25	8:20	<b>stressful (3)</b>	63:15,19	6:13,16,23 7:4
37:4,8 38:7	<b>stereotypes (2)</b>	118:11,12,24	<b>summer (7)</b>	8:17 9:17
39:14,17,20	137:3,19	<b>strike (2)</b>	112:4 119:23	10:10,12
39:23,24	<b>Steve (18)</b>	123:22 155:11	120:3,7	22:22 44:21
91:23 115:19	12:15 13:11,23	<b>structural (1)</b>	121:11	56:12 64:6
120:6,14,21	125:10,13	136:25	124:13,21	73:4 100:8
121:17,25	126:4 128:23	<b>study (1)</b>	<b>summons (1)</b>	106:18,24
123:9 125:2	130:18,19	55:17	56:9	146:7 149:23
126:22	145:13,15,20	<b>stuff (15)</b>	<b>supervisor (8)</b>	151:14
134:10	155:12 156:6	15:25 42:21	59:24 60:2,6	157:12
<b>statements (8)</b>	156:22	63:5,6,8	68:17 69:4,6	<b>taken (10)</b>
42:7 46:25	157:13,16	66:20 78:2	81:20 96:22	1:18 9:10,16
47:19 89:6	158:2	90:7 95:11	<b>supply (1)</b>	13:16 21:4
99:11 122:14	<b>Steven (1)</b>	99:9 109:17	4:8	44:23 107:5
149:11,17	155:15	114:15,16	<b>supposed (3)</b>	110:24 160:9
<b>states (5)</b>	<b>Stimpy (1)</b>	151:5,8	20:14 44:11	161:2
51:8 102:22	156:2	<b>style (3)</b>	149:19	<b>talk (10)</b>
103:2 155:2,4	<b>STIPULAT...</b>	80:17 136:16	<b>sure (10)</b>	62:18,25 63:6
<b>stating (1)</b>	3:3,6,8,12 4:2	138:12	5:18 65:6	87:7 90:2
76:7	<b>STIPULATI...</b>	<b>styles (5)</b>	89:11 134:23	117:3 118:10
<b>station (24)</b>	3:2	137:8,16,19	134:24 142:3	118:11 148:4
59:22 71:12,17	<b>stole (2)</b>	138:8,19	142:5 143:24	151:10
71:18 73:7	102:16 152:24	<b>subpoena (2)</b>	144:6 148:5	<b>talked (1)</b>
82:8,18,20	<b>stolen (1)</b>	1:19 5:15	<b>suspended (4)</b>	149:5
91:10,11	120:3	<b>subscribed (2)</b>	56:3,8,22,24	<b>talking (8)</b>



February 27, 2024

[Page 184]

13:24 17:19 34:19 40:8 131:16,18,24 149:12 <b>tall (2)</b> 12:21,22 <b>targeted (3)</b> 61:17,21,21 <b>Team (1)</b> 78:12 <b>teenage (1)</b> 95:13 <b>teens (1)</b> 95:13 <b>tell (18)</b> 9:11,16 47:24 48:12 49:9 55:16 79:5 93:3 95:15 98:2,5 110:19 114:18 124:3 150:19 151:9 157:12,14 <b>telling (2)</b> 18:15 109:3 <b>tells (2)</b> 79:4 80:18 <b>Tennessee (1)</b> 2:10 <b>term (1)</b> 11:18 <b>terminate (7)</b> 87:25 88:4,14 88:23 89:13 90:10,14 <b>terminated (...)</b> 13:3,4,8 83:24 84:2 85:11,14 86:13 88:9 90:12,16,18 90:20 91:6,21 97:12 98:7 154:14,16 <b>terminating ...</b>	88:24 <b>termination ...</b> 86:20 87:2,5,8 89:23 91:13 91:17 92:9 94:7 <b>test (2)</b> 59:13,15 <b>testified (5)</b> 5:6 6:4 28:18 45:18 117:9 <b>testify (11)</b> 9:7 10:4 16:9 16:13 18:18 25:21,24,25 29:15 30:20 35:23 <b>testifying (2)</b> 9:23 40:4 <b>testimony (7)</b> 6:7 33:9 108:3 159:2 160:8,9 161:3 <b>text (1)</b> 101:22 <b>thank (6)</b> 19:6,11 20:11 23:3 48:20 134:17 <b>theatre (1)</b> 53:8 <b>thing (2)</b> 109:12 144:12 <b>things (22)</b> 7:18 17:7 21:7 29:2 30:8,14 35:3,11 42:7 45:20,23 46:19,23 67:16 79:6 107:18 123:13 127:21,25 128:4,6	149:22 <b>think (61)</b> 15:16 32:5,18 32:21 38:20 41:10 42:14 44:17 53:16 56:17 62:10 62:16 63:11 67:9 71:14 75:9 76:13,16 76:18 77:8,8 77:9,15 83:3 83:4,5,24,25 84:2,5,12,14 88:8 90:17 97:14 108:11 111:10,15,22 112:12,14,25 113:2 114:3 114:16 116:11 125:14,14,18 125:20 127:9 127:11,20 129:10,15 133:13 134:20 140:12,13 142:16 149:8 <b>thought (6)</b> 50:8,9 71:11 118:15 121:20,23 <b>three (1)</b> 154:20 <b>thrown (1)</b> 53:7 <b>ticket (2)</b> 56:12,15 <b>tight (1)</b> 80:20 <b>time (47)</b> 1:20 3:7 8:14 17:3 21:21	23:17 24:4,8 35:17 43:10 43:21 46:22 47:21 51:21 53:18 54:8 59:10,11,18 59:21 60:24 61:4 66:10 67:11 68:21 71:7 81:6,14 81:18 84:24 88:6 106:21 112:8 118:2,6 127:3 130:5 130:24 133:20 140:13 145:17 146:25,25 150:5 155:19 158:8 160:6 <b>times (9)</b> 10:22 20:23 40:24 51:20 59:8,16 95:8 95:9,15 <b>title (3)</b> 57:17,19 109:8 <b>titles (1)</b> 57:21 <b>today (25)</b> 5:25 7:5 9:4,8 9:11,17,24 10:15 12:4 13:19 14:15 14:20 16:17 45:7 47:12,25 50:5 70:16 100:6 130:11 134:8,12 143:6 153:11 155:13 <b>today's (13)</b> 10:20,25 11:11	12:7,10,14 14:3,6,9 47:7 50:12,16 135:18 <b>told (35)</b> 24:19,21 26:4 41:15 56:22 58:15,16 79:22,24 80:5 84:10 90:15 93:22,25 105:25 108:15,16,24 109:4 110:23 111:7 117:2 120:11,15 121:2,20 127:7,8 139:14,15 140:10,15 151:6,14 155:16 <b>tolerance (4)</b> 122:5,17,19 123:16 <b>tolerate (1)</b> 64:2 <b>tolerates (1)</b> 63:24 <b>tone (1)</b> 25:3 <b>top (1)</b> 75:3 <b>total (1)</b> 75:10 <b>totally (2)</b> 71:15 84:17 <b>touch (1)</b> 141:9 <b>touching (1)</b> 140:6 <b>train (2)</b> 95:19,21 <b>training (6)</b>
---	--	---	--	--

February 27, 2024

[Page 185]

61:5,8,10,12 62:9,14 <b>transcribed (1)</b> 160:10 <b>transcript (5)</b> 4:8 44:7 160:5 160:13 161:2 <b>Trayvon (7)</b> 113:21 114:3,7 115:3,24 116:6,14 <b>treated (1)</b> 138:18 <b>trial (7)</b> 1:16 3:7 5:15 5:16 53:15,17 53:17 <b>trick (1)</b> 75:19 <b>tried (3)</b> 53:9 105:7 134:7 <b>trouble (6)</b> 18:5 34:7 117:16,18 150:16 151:8 <b>truck (5)</b> 75:2 105:10,10 108:22 109:10 <b>trucks (3)</b> 71:25 118:18 118:20 <b>true (5)</b> 30:20 76:21,22 134:10 160:13 <b>trust (2)</b> 60:19 154:25 <b>truth (2)</b> 9:11,16 <b>truthful (3)</b> 31:3,7 94:23 <b>truthfully (3)</b>	9:7,23 10:4 <b>truthfulness ...</b> 17:8 <b>try (7)</b> 74:9 99:15 105:24 110:3 114:18,20 126:18 <b>trying (18)</b> 31:14 37:24 48:22 50:6 65:16 74:14 76:16 82:23 83:3 90:17 103:18 106:8 108:20 109:22,24,24 110:22 130:23 <b>turned (1)</b> 35:8 <b>TV (5)</b> 102:13,15 119:19,22 120:3 <b>twists (1)</b> 138:20 <b>two (18)</b> 11:9 21:22 35:3,11 59:23 62:21 73:24 73:24,25,25 73:25 74:3 84:22 101:2 150:5,15 152:4 155:13 <b>type (6)</b> 52:12 61:8 64:2,3 78:10 128:6 <b>typically (1)</b> 43:7 <hr/> <b>U</b> <hr/>	<b>U (1)</b> 5:2 <b>um (22)</b> 11:14,16 12:21 12:21 30:22 31:12 56:6 60:7 64:24 65:15 76:11 85:3 88:13 90:5 108:14 118:11 142:11,11 145:13 150:21 152:8 153:13 <b>Um-hmm (1)</b> 130:22 <b>unable (1)</b> 47:24 <b>unacceptable...</b> 103:7 <b>unauthorize...</b> 3:22 <b>uncle (1)</b> 56:18 <b>uncle's (1)</b> 56:18 <b>unconscious ...</b> 137:4 <b>uncut (1)</b> 138:21 <b>underscore (1)</b> 142:20 <b>understand (...)</b> 7:23 9:10,13 9:19 25:20 26:20 30:4 32:20 33:7,7 37:18,24 58:9 79:16 85:5 103:21 <b>understandi...</b> 63:16 66:5 75:25 76:5	82:18 85:6 152:24 <b>understood (6)</b> 32:19 54:12 58:18 105:2 125:21 145:22 <b>undertone (1)</b> 150:10 <b>unfamiliar (1)</b> 139:21 <b>uniform (1)</b> 145:19 <b>union (1)</b> 60:9 <b>United (1)</b> 51:8 <b>unpaid (1)</b> 59:6 <b>unprofession...</b> 137:20 <b>unquote (1)</b> 38:4 <b>unsafe (1)</b> 118:13 <b>untreated (1)</b> 138:18 <b>untrimmed (1)</b> 138:21 <b>untrue (1)</b> 29:14 <b>untruthful (2)</b> 31:19 39:17 <b>UPS (1)</b> 145:19 <b>upset (9)</b> 15:15,19 98:12 98:13,15 108:19 110:21 127:20,24 <b>use (7)</b> 38:13,14,22 50:5 66:25	76:16 106:22 <b>utter (2)</b> 148:10,21 <hr/> <b>V</b> <hr/> <b>vacation (5)</b> 84:7,9 86:15 93:14,21 <b>value (1)</b> 156:8 <b>van (2)</b> 72:3,20 <b>variable (1)</b> 71:25 <b>vehicle (11)</b> 72:9 88:15,21 105:11,12 152:11,12,16 152:17,18 153:6 <b>verbal (1)</b> 7:6 <b>verbatim (4)</b> 29:21 30:3,5 46:3 <b>vertical (1)</b> 73:8 <b>video (78)</b> 1:14,19 3:14 3:19 4:7 12:9 12:12,15 20:6 26:15 35:10 41:9 42:12,16 61:10,11 62:11,12,16 62:17,20,21 62:22,22 63:5 129:8,14,17 129:20,25 130:13,14,17 130:20 131:2 131:12,20 132:6,9,14 133:15 135:2
--	---	---	---	---

February 27, 2024

[Page 186]

135:4,6,8,12	<b>W</b>	82:7,12,13	143:5	<b>willing (1)</b>
135:15,17,25	<b>wage (1)</b>	90:14 109:8	<b>we've (1)</b>	5:13
136:3 138:13	59:4	<b>warning (1)</b>	106:20	<b>wish (1)</b>
139:6 140:17	<b>wages (1)</b>	91:5	<b>weapon (1)</b>	80:2
140:23	59:6	<b>washing (1)</b>	85:21	<b>withstanding...</b>
142:19,21	<b>wait (2)</b>	115:12	<b>wear (3)</b>	4:7
143:2,7,11,12	25:24 27:21	<b>wasn't (14)</b>	140:16,19,21	<b>witness (36)</b>
143:14,18,22	<b>waived (1)</b>	53:16,17 58:6	<b>wearing (3)</b>	1:17 3:15,18
143:25	3:5	62:6 68:25	138:12 144:15	4:3,4,5 5:2
144:11,13,17	<b>walk (1)</b>	84:8 90:11	145:14	11:20 15:4
144:18,20	151:24	106:8,9	<b>wears (2)</b>	16:13 17:19
145:11 146:9	<b>walking (2)</b>	113:12	157:10,11	18:14 19:13
146:12,14	53:8 115:9	116:13	<b>week (4)</b>	19:14,18,21
152:10,17	<b>Wall (1)</b>	155:18	88:14 106:13	22:17 24:3,12
153:4 159:12	2:4	156:18,18	110:6 114:8	24:15 25:21
159:13	<b>Wander's (1)</b>	<b>watch (5)</b>	<b>weekend (1)</b>	31:23,25
<b>Videoconfer...</b>	80:16	62:11,23	102:16	32:10 33:10
3:16	<b>Wanders (21)</b>	114:17,20	<b>weird (5)</b>	35:23 40:4
<b>videographe...</b>	1:9 59:25 60:4	131:13	24:22 26:21,24	99:11 106:22
25:2	60:5 80:9,12	<b>watched (2)</b>	26:25 27:15	130:9 139:12
<b>videos (12)</b>	86:23,25	138:13 140:18	<b>went (13)</b>	160:4,7,14,20
13:18,22 14:2	89:16,21	<b>watching (1)</b>	60:25 69:8	161:23
150:17,20	90:15,21 91:8	42:13	70:5 73:6,7	<b>witness's (2)</b>
151:11,14,15	107:22,25	<b>water (1)</b>	80:7,25 88:20	3:19 33:8
151:17	108:4 110:16	115:14	109:18 111:2	<b>witnessed (9)</b>
155:13,17	148:7,10,18	<b>way (18)</b>	151:3 152:13	80:21,24 81:2
156:7	148:21	14:17 19:22	152:14	92:22 102:18
<b>view (4)</b>	<b>wanna (6)</b>	25:15,18	<b>weren't (2)</b>	120:17,20,21
131:19 132:5	106:17 129:11	101:21 103:4	31:5 85:5	126:5
135:11 146:9	133:18 136:4	104:21 105:8	<b>WHEREOF ...</b>	<b>witnesses (1)</b>
<b>viewed (1)</b>	136:12 153:9	105:24	160:20	36:6
155:13	<b>want (26)</b>	109:21,25	<b>white (12)</b>	<b>wonderful (1)</b>
<b>violation (1)</b>	18:22 20:5	110:13	119:16,17	158:6
3:22	21:5 22:2,21	118:10,14	121:5 124:12	<b>word (31)</b>
<b>violence (1)</b>	25:20 28:4	132:16	125:16,17,17	29:7,7,18,19
115:6	32:6,6,24	140:17,22	125:17,22	30:16,17,18
<b>voice (9)</b>	33:8,10,17,23	158:2	126:2,3	30:19 31:13
7:14 25:4	34:13 35:22	<b>ways (1)</b>	137:17	31:13 38:16
135:22,23	41:14 42:24	110:4	<b>wide (1)</b>	38:22,25 39:2
136:10,11	106:15,17	<b>we're (10)</b>	74:13	39:4,5,6,10
146:17,20,21	131:14,19	5:25 14:14,19	<b>wife (2)</b>	46:2,3 50:5
<b>volume (2)</b>	132:5,8	19:9 20:25	114:18 157:23	50:18 76:13
7:16,17	139:10,12	33:19 47:11	<b>wife's (1)</b>	76:14,16 90:9
	<b>wanted (5)</b>	80:15 130:10	51:18	116:7 139:21

February 27, 2024

[Page 187]

139:22	<b>works (4)</b>	141:23 148:4	<b>Zoom (10)</b>	130:11
148:11,22	19:22 82:11	152:4	1:14,19 9:15	135:18
<b>wording (1)</b>	142:10,11	<b>year (13)</b>	11:5 21:25	155:14
38:9	<b>world (1)</b>	13:5 56:6,7,17	22:8,16 26:19	159:12
<b>words (11)</b>	21:10	61:7,14 62:23	41:11,14	<b>2,000 (2)</b>
31:9,10 36:16	<b>would've (15)</b>	62:24,25	<b>0</b>	75:7,8
38:13,14	80:5,7,24,25	82:24 83:2	<b>02/27/2024 (1)</b>	<b>2:00 (5)</b>
79:10 111:6	88:5 103:20	111:25 112:3	161:2	43:3,13 134:2
128:10 131:7	104:23	<b>yearly (1)</b>	<b>0938 (1)</b>	134:12,15
146:17 149:9	120:10,12	61:12	100:5	<b>2:03 (1)</b>
<b>work (27)</b>	121:2,3,4,19	<b>years (13)</b>	<b>1</b>	1:13
12:24 23:9	121:20,23	52:25 54:6	<b>1 (4)</b>	<b>20 (5)</b>
67:11,15	<b>wouldn't (2)</b>	57:14,14,15	99:20,22 100:7	57:14,14,15
68:20 70:9	121:19 127:23	57:20 60:7,8	159:11	158:13
72:4 73:19	<b>write (1)</b>	60:8 95:12	<b>1:22-cv-0766...</b>	161:24
74:16 82:19	98:17	104:7 154:9	1:8	<b>2018 (1)</b>
98:6 106:6	<b>writing (1)</b>	154:20	<b>10005 (1)</b>	105:5
108:18 109:7	38:2	<b>yesterday (8)</b>	2:4	<b>2020 (16)</b>
109:13	<b>written (2)</b>	11:3 28:22	<b>11378 (1)</b>	83:4,5,14
113:18 118:5	3:21 66:2	29:13 45:20	5:21	111:10,18,19
119:8,9 128:4	<b>wrong (6)</b>	45:24 47:21	<b>129 (1)</b>	112:2,5,18
128:7,18	25:8,18 79:11	114:14 129:9	159:12	117:24
145:16,18	110:25	<b>York (27)</b>	<b>143 (1)</b>	119:23 120:4
147:2 148:14	114:19	1:2,15,15,22	159:13	120:7 121:12
157:17	143:20	2:4,4 5:5 27:7	<b>14th (2)</b>	124:14,22
<b>worked (10)</b>	<b>wrote (4)</b>	52:6 53:24	57:14,15	<b>2021 (4)</b>
12:19 60:19	31:14 37:8	55:10 62:14	<b>15 (1)</b>	60:3 83:14
68:6 71:8,11	38:5 46:17	63:2 95:5	135:12	93:14 104:11
71:22 83:17	<b>X</b>	112:8,23	<b>153 (1)</b>	<b>2024 (2)</b>
97:6 117:19	<b>X (2)</b>	117:22	159:6	1:13 160:21
127:3	1:3,11	121:12	<b>17 (1)</b>	<b>23 (1)</b>
<b>worker (6)</b>	<b>Y</b>	136:19,23	136:2	104:11
78:10,11,12	<b>Y (1)</b>	137:10,13,25	<b>18 (5)</b>	<b>24 (2)</b>
83:9,12 118:3	5:2	138:5,15,23	52:25 54:7,7,9	10:3,8
<b>workers' (4)</b>	<b>yeah (19)</b>	158:15	135:12	<b>25 (1)</b>
69:11,15,19,23	68:6 74:20,20	<b>Yorkers (1)</b>	<b>1988 (1)</b>	136:2
<b>working (10)</b>	75:11 79:15	138:7	53:2	<b>27 (1)</b>
52:14 67:7	84:5 95:13,13	<b>Z</b>	<b>1st (2)</b>	1:13
68:7,15,22	95:14 111:21	<b>z (2)</b>	111:23,23	<b>27th (1)</b>
80:14 107:18	115:10,22	5:2 142:20	<b>2</b>	160:21
108:15	119:7,8	<b>zero (4)</b>	<b>2 (6)</b>	<b>2nd (1)</b>
110:14,15	128:14	122:5,16,19	129:19,20	57:20
<b>workplace (1)</b>	140:19	123:16		<b>3</b>
69:9				

February 27, 2024

[Page 188]

<b>3 (4)</b>	54:11			
143:7,12	<b>55 (2)</b>			
155:14	54:11 110:6			
159:13	<b>5895 (1)</b>			
<b>3:00 (1)</b>	5:20			
28:7				
<b>30 (2)</b>	<b>6</b>			
75:10 146:13	<b>6:06 (1)</b>			
<b>3113(d) (1)</b>	158:8			
3:14	<b>60 (1)</b>			
<b>32 (1)</b>	110:6			
146:8				
<b>35 (3)</b>	<b>7</b>			
106:12 110:5	<b>70 (1)</b>			
146:7	130:13			
<b>3620 (1)</b>	<b>72 (4)</b>			
2:9	143:10 144:24			
<b>38125 (1)</b>	145:4 146:15			
2:10				
<b>39 (3)</b>	<b>8</b>			
143:18,25	<b>87 (1)</b>			
144:4	53:2			
<b>3rd (1)</b>	<b>9</b>			
2:9	<b>90s (1)</b>			
	56:7			
<b>4</b>	<b>937 (2)</b>			
<b>40 (6)</b>	100:2,5			
75:11 106:12	<b>938 (1)</b>			
110:5 143:10	100:2			
146:8,13	<b>99 (2)</b>			
<b>45 (1)</b>	2:4 159:11			
110:5				
<b>46 (1)</b>				
130:13				
<b>5</b>				
<b>5 (1)</b>				
159:5				
<b>5:00 (1)</b>				
107:4				
<b>5:45 (1)</b>				
141:5				
<b>50 (2)</b>				
75:12 110:6				
<b>54 (1)</b>				